97-84034-21

U.S. Congress. House.

Fees charged for passports and for viséing...

Washington

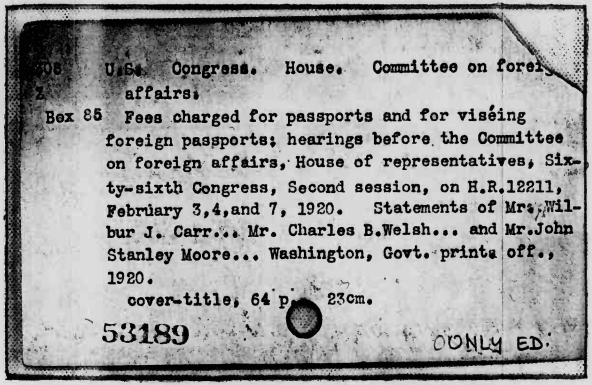
1920

97-84034-21
MASTER NEGATIVE #

COLUMBIA UNIVERSITY LIBRARIES
PRESERVATION DIVISION

BIBLIOGRAPHIC MICROFORM TARGET

ORIGINAL MATERIAL AS FILMED - EXISTING BIBLIOGRAPHIC RECORD


U.S. Congress. House. Committee on foreign affairs.
Box 85 Fees charged for passports and for viseing foreign passports; hearings before the Committee on foreign affairs, House of representatives, Sixty-sixth Congress, Second session, on H.R.12211, February 3,4,and 7, 1920. Statements of Mrs. Wilbur J. Carr... Mr. Charles B.Welsh... and Mr.John Stanley Moore... Washington, Govt. print. off., 1920.
cover-title, 64 p. 23cm.
53189
ONLY ED.

RESTRICTIONS ON USE: *Reproductions may not be made without permission from Columbia University Libraries.*

TECHNICAL MICROFORM DATA

FILM SIZE: 35mm **REDUCTION RATIO:** 11:1 **IMAGE PLACEMENT:** IA (IIA) IB IIB

DATE FILMED: 3-3-97 **INITIALS:** PB

TRACKING # : MSH 21935

FILMED BY PRESERVATION RESOURCES, BETHLEHEM, PA.

FEES CHARGED FOR PASSPORTS AND FOR VISÉING FOREIGN PASSPORTS

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

ON

H. R. 12211

FEBRUARY 3, 4, AND 7, 1920

STATEMENTS OF

Mr. WILBUR J. CARR, Director of the Consular Service
Mr. CHARLES B. WELSH, Division of Passport Control
Mr. JOHN STANLEY MOORE, Visé Section of the Bureau of Passport Control, State Department

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920.

COMMITTEE ON FOREIGN AFFAIRS.

SIXTY-SIXTH CONGRESS,

FIRST SESSION.

STEPHEN G. PORTER, Pennsylvania, *Chairman*.

JOHN JACOB ROGERS, Massachusetts.
HENRY W. TEMPLE, Pennsylvania.
AMBROSE KENNEDY, Rhode Island.
EDWARD E. BROWNE, Wisconsin.
MERRILL MOORES, Indiana.
WILLIAM E. MASON, Illinois.
WALTER H. NEWTON, Minnesota.
L. J. DICKINSON, Iowa.
ERNEST R. ACKERMAN, New Jersey.
FRANK L. SMITH, Illinois.
JAMES T. BEGG, Ohio.
ALANSON B. HOUGHTON, New York.
HENRY D. FLOOD, Virginia.
J. CHARLES LINTHICUM, Maryland.
WILLIAM S. GOODWIN, Arkansas.
CHARLES M. STEDMAN, North Carolina.
ADOLPH J. SABATH, Illinois.
J. WILLARD RAGSDALE, South Carolina.
GEORGE HUDDLESTON, Alabama.
TOM CONNALLY, Texas.
THOMAS F. SMITH, New York.

EDMUND F. ERK, *Clerk*.

Box 35

MAP 28 Jan '20

FEES CHARGED FOR PASSPORTS AND FOR VISÉING FOREIGN PASSPORTS.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 3, 1920.

The committee assembled at 10.30 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

The CHAIRMAN. Gentlemen, yesterday I introduced the bill which is before you (H. R. 12211), which I wish you would glance over. It increases the fee charged for passports from $1 to $10, and the fee for the viséing of foreign passports from $1 to $4.

The bill will be inserted in the record at this point.

(The bill referred to is as follows:)

[H. R. 12211, Sixty-sixth Congress, second session.]

A BILL Increasing the fees charged for passports to $10 and for the viséing of foreign passports to $4.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of May, 1920, a fee of $1 shall be collected for each application and $10 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States or a person who has declared his intention to become a citizen of the United States, and said fees shall be paid into the Treasury of the United States at least quarterly: *Provided, however*, That no fee shall be collected for passports issued to officers and employees of the United States proceeding abroad in the discharge of their official duties.

SEC. 2. That from and after the 1st day of May, 1920, a fee of $4 for each visé of the passport of an alien and $1 for each application of an alien for a visé shall be collected and paid into the Treasury of the United States quarterly: *Provided*, That no fee shall be collected from any officers of any foreign Government, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States or soldiers coming within the terms of Public Resolution Numbered 44, Sixty-fifth Congress (H. J. Res. 331).

SEC. 3. That from and after the passage of this act it shall, except as otherwise provided by the President and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen or person owing allegiance to or entitled to the protection of the United States or a person who has declared his intention to become a citizen of the United States to depart from the United States unless he bears a valid passport.

SEC. 4. That all acts or parts of acts inconsistent with the foregoing are hereby repealed.

Mr. BEGG. May I ask a question as to the wording of the bill, Mr. Chairman?

The CHAIRMAN. Certainly.

Mr. BEGG. I notice in section 3 that it provides:

Except as otherwise provided by the President and subject to such limitations and exceptions as the President may authorize and prescribe.

What is that intended to cover?

The CHAIRMAN. That is a question that I want to discuss very carefully with the committee; it is one that bothered me very much.

We have to do something that will relieve American tourists going to Canada in the summer from the payment of this passport fee, and then the Mexican situation is a bad one, so far as passports are concerned.

Mr. BEGG. You say "American tourists"; you mean temporary tourists just taking that trip to Canada?

The CHAIRMAN. Yes; people of very moderate means. I venture to say that there are 5,000 people from Pittsburgh who go to Canada every summer. A large percentage of them are clerks, and other people of very modest means, and it would not be quite fair to charge them the full passport fee, because they would not need or get any protection on those trips.

Mr. ROGERS. I suggest, Mr. Chairman, that as a foundation for this testimony that we are about to take, we ought to have the existing law read with regard to the issuance of passports. There is the espionage law, for example.

The CHAIRMAN. Yes. Will you read into the record, Mr. Carr, the section of the espionage act relating to the issuance of passports?

STATEMENT OF MR. WILBUR J. CARR, DIRECTOR OF THE UNITED STATES CONSULAR SERVICE, STATE DEPARTMENT.

Mr. CARR. Section 1 of title 9 of the espionage act of June 15, 1917 (40 Stat. L., p. 217), reads as follows:

Before a passport is issued to any person by or under authority of the United States, such person shall subscribe to and submit a written application, duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law, or by any of the rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect for all services in connection therewith a fee of $1 and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

Mr. BROWNE. That seems to confine it to United States courts?

Mr. CARR. That confines it to the "clerks of United States courts, agents of the Department of State, or other Federal officials author, ized or who may be authorized."

The CHAIRMAN. That is my recollection of it. I can see how, if the situation should arise that Mr. Rogers suggested, the Department of State could authorize the clerk of one of the State courts to act as the Government agent for the granting of passports.

Mr. ROGERS. I should like to read, in that connection, extract from a letter from Mr. R. W. Flournoy, jr., of the Department of State, which appears on page 53 of the hearings of last October on the passport-control act:

Under the act mentioned—

Referring to the espionage act of June 15, 1917, which Mr. Carr has just read into the record, so far as applicable—

Under the act mentioned a fee of $1 is also charged for the preparation and execution of applications for passports. This service was performed by the department and its passport agents in New York and San Francisco in 668 cases during the period beginning June 4 and ending June 10, and the fees, amounting to $668, have been

or will be turned into the Treasury. The balance of the applications were executed before clerks of the Federal and State courts. The fees collected by the clerks of the Federal courts for this service are turned into the Treasury through the Department of Justice. The fees charged by the clerks of State courts for this service are not turned into the United States Treasury. I have been unable to ascertain whether the fees are retained by the clerks or are turned into the State treasuries. As the passport rules require that where there is both a Federal and State court (and this is generally the case in all large cities) the application must be executed before the clerk of the Federal court, the result is that about two-thirds of the applications upon which passports are issued are prepared and executed before clerks of Federal courts or before the department or its passport agents in New York City and San Francisco.

And the figures on the next page show that the proportion was as 99 to 66; that is, out of every 99 passports 66 were executed before Federal courts, approximately.

Mr. MASON. It must be a great convenience where there are no Federal courts to allow the people to make their applications to the State courts.

The CHAIRMAN. Mr. Carr, did you make a calculation as to the amount of increase in revenue that would result from the raising of the passport fee to $10 and the viséing fee to $4?

Mr. CARR. Yes. According to my calculation, there are at present passports being issued at the rate of 10,976 a month, or 131,736 a year. In addition to that, there are at present emergency passports being issued abroad at the rate of approximately 25,000 a year. So that you have an approximate number of passports being issued per year at the present time to American citizens of 156,736. At the present fee prescribed by law, of $1 for each passport, that brings into the Treasury $156,736; but at the new rate of $10 it would bring, of course, $1,567,360.

Mr. MOORES. If the same number of people traveled?

Mr. CARR. If the same number of people traveled and got passports. In other words, you would have a gain over the present income of $1,410,624.

Mr. MOORES. And that would apply to all travel across the border, would it not?

The CHAIRMAN. No.

Mr. MOORES. Well, practically all?

The CHAIRMAN. No; they do not issue passports to persons going to Canada. Is that correct, Mr. Carr?

Mr. CARR. At present, passports are not being required to go to Canada. People go across the border with entire freedom, as I understand it, because of this fact: The Canadians have at their ports approximately as strict regulations as we have at ours covering travel from Canada to foreign countries; and therefore we can feel entirely secure about admitting people from Canada, excepting such people as come into Canada from other countries; in those cases, of course, they can not come into the United States without having their passports viséed by a consular officer; but that occurs, not under the passport regulations, but under the visé regulations.

Mr. ROGERS. There is a good deal of interest about Cuba in these days. Does Cuba require passports.

Mr. CARR. Cuba itself does not require passports.

Mr. WELSH. But our regulations require that all persons leaving the United States, except for Canada and Mexico, have passports. Cuba does not require them at present.

Mr. MOORES. How about Bahama and Bermuda?

Mr. WELSH. Bermuda does not have them; but it is our own regulation that makes it necessary for persons going there to have a document to go on. Bermuda is excepted by regulation.

Mr. CARR. That is a regulation based upon the passport control act of May 22, 1918.

Mr. ROGERS. It seems a little anomalous that passports are not obligatory in the case of travel to Mexico, and that they are obligatory in the case of travel to Cuba.

Mr. WELSH. Well, the Cuban Government did require them until recently. We do issue passports for Mexico; but we also issue what is called a "border permit." You know at several places the border line runs right in the middle of the street in a city.

Mr. ROGERS. Yes.

Mr. WELSH. And in order to take care of that situation, we put into effect an identification card which permitted one to go 10 miles on either side of the border.

The CHAIRMAN. Mr. Moore, during the war the European travel fell off considerably, I believe?

Mr. CARR. Yes, sir. Before the war the aliens coming into this country numbered, I think, about 1,200,000.

Mr. MOORE. The high-water mark was about 1,300,000 coming into this country before the war.

Mr. CARR. Yes; that was about the number coming in before the war. At the present time they are coming in at the rate of approximately 540,000 a year.

Going a little further, Mr. Chairman, with this calculation, if the fee were raised to $10, we would have a total gain over present receipts, assuming that the travel was the same, of $1,410,624.

Then, under the second section of the bill, assuming that the viséing fee were increased to $4, instead of $1, as at present, and that the application fee was made the same as it is now, $1, the income from that source would be $2,700,000, or $1,620,000 more than the present income for visé fees, if the travel should continue at the present rate. So that the grand total of increase under this bill would be about $3,187,410.

The CHAIRMAN. The grand total is based upon the present amount of travel between the United States and European countries and on the present number of aliens who are entering the country. If the travel increases, or the number of aliens coming in increases, the receipts will be proportionately increased?

Mr. CARR. Yes.

The CHAIRMAN. Have you any way of giving us a statement for, say, the last 10 years of the number of aliens who have entered the United States?

Mr. CARR. That is contained in the report of the Commissioner General of Immigration. Do you happen to have a copy of that with you, Mr. Moore?

Mr. MOORE. I have not; but that is contained in his report.

The CHAIRMAN. We would like to have those figures in the record of the hearing.

Mr. CARR. We will have that inserted in the record.

(The statement referred to is as follows:)

Immigration, fiscal years ended June 30, 1910 to 1919.

1910	1,041,570	1915	326,700
1911	878,587	1916	298,826
1912	838,172	1917	295,403
1913	1,197,892	1918	110,618
1914	1,218,480	1919	141,132

The CHAIRMAN. Have you any way of giving the committee a statement showing the number of Americans who have gone abroad during the last 10 years?

Mr. CARR. An approximate statement of the Americans who have departed from the country is also, I think, contained in the report of the Commissioner General of Immigration. The number of departures from the country I know is contained in that report, and I think the number of Americans who go abroad is also given there. We will be very glad to look that up for you.

The CHAIRMAN. Well, will you have that for us to-morrow so that it can go in the record?

Mr. Moore. Yes; we will get that.

Mr. ROGERS. It ought to show the figures year by year, I suppose?

The CHAIRMAN. Yes; it ought to show them year by year, so that we will have an idea of what these increases in fees will amount to; because the number of aliens coming into the country is not over 25 per cent of what it was in peace times. And I fancy that the number of people who go abroad is less than 25 per cent of what it was in peace times.

Mr. CARR. We will furnish those figures, Mr. Chairman.

(The statement referred to is as follows:)

Number of United States citizens departed, fiscal years ended June 30, 1910 to 1919.

1910	342,600	1915	172,371
1911	349,472	1916	110,733
1912	353,890	1917	126,011
1913	347,702	1918	275,837
1914	368,797	1919	218,929

NOTE.—These figures evidently include American citizens going to Canada and Mexico, and other places where passports are not required.

Mr. CONNALLY. What did you say the total increase of receipts would be under this bill, Mr. Carr? About $3,000,000?

Mr. CARR. $3,187,410.

Mr. CONNALLY. Is that based on 445,000 aliens coming in?

Mr. CARR. No; that is based on 540,000, at the rate of 45,000 a month, which was the rate in September of this past year.

Mr. CONNALLY. There would be 540,000?

Mr. CARR. Aliens coming in.

Mr. CONNALLY. And from the 156,000 Americans leaving thers would be receipts of $1,567,360?

Mr. CARR. That is correct.

Mr. CONNALLY. What is your idea, Mr. Carr, about what the fee really ought to be? Do you think $10 is a little too much or do you think it is about right? Personally, I favor about $5. What is your opinion about that?

Mr. CARR. Well, it is a question. The State Department has never felt disposed to make a definite recommendation about this, because

Congress took entire control of it. The fee used to be $5, back as early as 1864. This fee for passports has had a rather variable career; before 1862 there was no fee.

The CHAIRMAN. If you have a record there showing the history of the passport fees, I suggest that you put it in the record.

Mr. CARR. I will do so. Before 1862 there was no fee; but by the act of July 1, 1862, a fee of $3 was imposed. The act of June 30, 1864, made the fee $5. Then the act of July 14, 1870, abolished the fee entirely. Four years later, the act of June 20, 1874, raises the fee to $5 again. The act of March 23, 1888, reduced the fee to $1, where it stands at present. It is a question of judgment——

The CHAIRMAN (interposing). Before you leave that point, the last act you mentioned—that of 1918—was a war measure?

Mr. CARR. No; the last act I mentioned was the act of March 23, 1888, which fixed the fee at $1. But I believe the first time the fee for the application was ever fixed was by the act of June 15, 1917, which made the fee for an application $1.

The CHAIRMAN. Well, that act expires with the ratification of the treaty of peace and the proclamation of the President.

Mr. ROGERS. Does it?

The CHAIRMAN. Yes.

Mr. CARR. Yes; I think that act expires a certain time after the ratification of the treaty of peace.

The CHAIRMAN. I do not know the exact words of the act. I know they used 27 different expressions about terminating those war acts. But the proclamation of a state of peace by the President will abolish this fee of $1 for applications; that is correct, is it not?

Mr. WELSH. Yes sir; if the espionage act is war legislation and is terminated with the war.

Mr. NEWTON. What is the practice now with reference to a man going abroad with his family? Where there are children under age, are they required to have passports?

Mr. CARR. No; all minor children are included in the passport; are they not, Mr. Welsh?

Mr. WELSH. That depends upon the age of the children, and also upon the requirements of the country to which they are going. Some countries formerly required that all children above 10 years of age have separate passports; others required them for children above 14, and others for those above 16.

Mr. NEWTON. Then under this bill, a man getting a passport for his family would have to pay $10 for each child?

Mr. WELSH. Well, those conditions are dying out; but as a war measure some countries required that children 9 years of age and upward have separate passports.

Mr. ROGERS. What is the practice of the European countries, Mr. Carr, with respect to the amount of the passport fees collected?

Mr. CARR. I do not know as to that.

Mr. WELSH. I think, as a general proposition, they run in the neighborhood of what would equal about $2 in our money.

Mr. SMITH of Illinois. May I ask one question, Mr. Chairman? In taking into consideration the amount of fee you are going to charge, why would it not be equitable to charge as much to persons coming into this country, with the intention on the part of 90 per cent of them to become residents of the country, as you charge for people to go out of the country?

Mr. CARR. From one point of view, it unquestionably would, I should say; from another point of view, it might not. Most of the people who travel out of the country are people who go abroad for some particular purpose, and who have means to go abroad for various purposes. A very large proportion of the people who come into the country are people of a poorer class, who come here to make their homes, or to become laborers, or what not. But at any rate, all of those people pay $8 to the immigration authorities when they arrive in this country.

The CHAIRMAN. Yes; that is the head tax.

Mr. CARR. For instance, an Italian who comes here to settle has to pay a head tax of $8 before he can get into this country. And then he has to pay $2 to the consul before he can get his passport viséed. So that, after all, you are charging the immigrant more than you are the American.

Mr. SMITH of Illinois. Well, I am becoming very pro-American. I want everybody to pay as much as we do for everything.

Mr. CONNALLY. Mr. Chairman, it occurs to me that the real theory of this measure is that they ought to be required to pay for the service; that is, that it ought not to be a revenue-producing measure, except that it should defray the expenses the Government would go in maintaining this kind of service. Have you any figures, Mr. Carr or have you any way by which you can separate the passport control from all the other activities of the State Department to ascertain what the expenses of the department are in connection with passports?

Mr. CARR. The expenses are about $150,000 a year for the passport business here. And then, of course, we have the entire Diplomatic and Consular Service abroad, a considerable part of the duties of which is the protection of Americans, and that costs, all told, I think, about $8,000,000. It is used for many other purposes; but a very considerable part of the use of that service is for the protection of Americans who go abroad, and who have interests abroad.

The CHAIRMAN. In other words, Mr. Carr, it is not a question of what it actually costs the Government to issue the passports; in addition to that, you have the cost of maintaining our Diplomatic and Consular Services abroad, from which all of these people benefit?

Mr. CARR. Precisely. The mere matter of issuing the passports is a very small matter in proportion to the other. The passport serves as a means of identification abroad, and in that way enables a representative of the United States abroad to afford protection to an American citizen more certainly than he would if the American citizen went there and had to spend a lot of time to prove that he was an American citizen. A passport is conclusive evidence that he is a citizen.

The CHAIRMAN. Before the war, when people went abroad, probably without passports, except to Russia and Turkey and one or two other countries, and got into some difficulty, all the evidence that he would have to present to the American representative that he was entitled to the protection of our Government was his naked word, and if the representative doubted it he had to cable to this country to ascertain whether the man was an American citizen or not, which resulted in delay to the traveler and expense to the Government.

Mr. CARR. Yes. And even that is very unsatisfactory, because we found during the war that a telegraphic statement that John Jones, for example, somewhere abroad, is an American citizen is not very satisfactory evidence, because the man who may apply to the representative of this country may not be John Jones at all. Even when people were required to have passports, we found people traveling around Europe with passports, and supposed to be Americans, who were not; they had either forged passports or they had stolen passports; the men were traveling around on somebody else's passport, perhaps. So that it is not satisfactory at all, nor is it safe to trust to any telegraphic identification. Every man who goes abroad ought to carry a passport, to identify himself to any representative of the United States abroad, as well as to officials of foreign Governments.

The CHAIRMAN. In our last appropriation bill we had two very large items for telegrams in the contingent fund for the embassies and legations and for the consulates. Was any part of that for cablegrams for the purpose of identifying men who alleged that they were American citizens?

Mr. CARR. Well, that question is more or less constantly coming up in the practice of the department, that officers of the United States abroad cable back to find out about a certain individual who has gotten into trouble, and who has appealed for protection, and they want to be sure that they are justified in protecting him.

The CHAIRMAN. And if that man had a passport, as provided in this bill, that United States official abroad would not be put to the trouble of cabling, and the man would not be delayed in the assertion of his rights?

Mr. CARR. Yes; that is true in most cases.

Mr. ROGERS. Does the Department of State believe in section 3 of this bill?

Mr. CARR. I think the department is inclined to feel that it may be unwise to compel people to take out passports.

Mr. ROGERS. I remember that when the question of extending the passport control act was before the committee last fall, the resolution which I understood had been drafted by the State Department and met with the approval of the department, read like this:

> That the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety" are, so far as they relate to entry into the United States, continued for one year after peace has been concluded with the Central Powers of Europe.

And Mr. Lansing, in calling attention to the fact that he did not advise the requirement of passports in the case of outgoing American travelers, said that, notwithstanding the world conditions as they were at the moment and as they were likely to be for a long time, he thought that, as a matter of expedience, and as a matter of practical necessity, every American traveling overseas would be obliged, for perhaps two years to come, to have an American passport.

Mr. CARR. Well, I think there was a feeling on the part of the department that Congress perhaps was anxious to get rid of the war legislation that it had on the statute books as rapidly as conditions permitted. We all know that at the present time every foreign country, practically, is requiring passports, and whether you require them or not, for a certain length of time, at least, people who go abroad are going to have to have passports in order to go to those countries.

Mr. ROGERS. This is what Secretary Lansing said on that point in the hearings on the passport-control act, and I think he said it very tersely and very well:

> And while it may very properly be said that we intend in no way to hamper the travel of Americans abroad by requiring passports, at the same time it will be practically unavoidable. The duty on the part of the Government to issue passports to such travelers will be practically unavoidable because other Governments are requiring it.

And elsewhere he said that that requirement would probably continue for two years.

Mr. CARR. Yes.

Mr. ROGERS. Now my query is whether we are not enacting unnecessary legislation by incorporating section 3 in this bill, because, as a practical matter, the traveler will have to take out a passport. And in the view of the fact of peace having practically come, and we hope being actually at hand, we do not want to continue this war legislation. Now section 3, it strikes me, is war legislation.

The CHAIRMAN. In reply to that I would like to say this: That all of the foreign countries require passport, and therefore it is necessary for Americans who are going abroad to take them out; but as Mr. Carr has stated, it is only a question of time, and a very short time, when Great Britain, France, Italy, and other European countries will not require passports, and therefore Americans will not be required to take them out. Therefore they will avoid the payment of this fee for the protection which they receive from the Government of this country whenever a passport is not required. My purpose in putting that in the act was to make everybody who goes to Europe contribute a fair proportion of the cost of maintaining our Diplomatic and Consular Service. Whether I was right about that I am not clear, but that was my thought about it.

Mr. MASON. I quite agree with the chairman that that protection is worth all it costs.

I have a suggestion for an amendment here which may seem small or even trivial, but those who are going for business or for pleasure can well afford to pay this extra fee. There is an exception in the bill now—

> That no fee shall be collected for passports issued to officers and employees of the United States proceeding abroad in the discharge of their official duties.

And I just want to add this language tentatively as a suggested addition to that clause:

> Or for widows, parents, brothers, or sisters of American soldiers buried abroad who desire to proceed abroad for the purpose of visiting the graves of such soldiers.

The CHAIRMAN. There would be no objection to that amendment, of course.

Mr. MASON. It is a small thing, but it will show a proper feeling toward the relatives of our soldiers who were killed in the war. A great number of those relatives have said, "Let our boys sleep where they fell," and there is no doubt that our sister Republic expects a great many of them to visit the graves of their soldiers, and it seems to me that the small honor of giving them passports without a fee would be a becoming thing on the part of Congress.

The CHAIRMAN. I will say to the committee that my thought in the drafting of this bill is this: This is one of many instances where we pay by general taxation for a service performed for individuals that ordinarily the individual should pay for.

A passport fee of $1 is, in my judgment, very unfair to the taxpayers of the country. The man who goes abroad and gets all of this protection that we throw around him should contribute a fair share of the cost of maintaining that service, just the same as the taxpayer in the city pays a small tax for the maintenance of the police force. It is not so much what that policeman does; it is the moral effect of his presence.

Mr. MASON. Yes; it is well worth $10 to anybody who is traveling abroad for pleasure. Nobody will raise any question as to that.

The CHAIRMAN. It may be that not one man in a hundered will need the assistance of our embassies or legations or consulates; but the mere fact that those embassies, legations, and consulates are there affords him a safe place to go in case of difficulty. And if we do not make these passports compulsory, a large percentage of the people will not take them out and they will get the benefit of this service without contributing to its cost, and we will be in the same position in that respect that we were in before the war. In addition to that, I may disagree with some of the men representing the department——

Mr. BROWNE (interposing). I would like to ask the chairman a question at this point: Do you think there ought to be an absolute right on the part of a citizen to get a passport? The way it is now, it is discretionary; they can refuse a man a passport. Now, do you think that ought to be the rule in time of peace—that when a person wants to go abroad, the power of deciding whether he shall receive a passport or not shall be placed in the hands of any official, so that he can arbitrarily refuse to issue one if he wants to do so?

The CHAIRMAN. The answer to that question, I think, is this: That as soon as the treaty of peace is ratified and the proclamation issued by the President, these strict rules in regard to the issuance of passports will be abandoned, and it will be much easier to secure them than it now is. Is that true?

Mr. WELSH. A passport is very easy to secure now.

The CHAIRMAN. It is easier now than it was a year ago?

Mr. WELSH. Yes. In other words, the reason for going abroad is not looked into so thoroughly as it was a year ago.

The CHAIRMAN. Well, in times of peace you do not question the reason at all, do you?

Mr. WELSH. No, sir.

The CHAIRMAN. You did require a sufficient reason during the war, did you not?

Mr. WELSH. We demanded sufficient reasons; and we made the applicant give documentary evidence supporting the reasons.

The CHAIRMAN. But in time of peace you do not ask the reasons at all?

Mr. WELSH. No, sir.

The CHAIRMAN. You merely want to be satisfied that he is a [illegible] entitled to the protection of the American Government?

Mr. WELSH. That is, that he is an American citizen.

The CHAIRMAN. Either an American citizen, or a declarant, or some one who owes allegiance to the United States?

Mr. WELSH. Yes, sir.

Mr. BROWNE. But you have a right to refuse to issue a passport, have you not?

Mr. WELSH. The matter is discretionary with the Secretary of State.

Mr. BROWNE. I believe that a man ought to have a right to get a passport, if he is a citizen.

Mr. NEWTON. That would mean that every man who is an American citizen, no matter what type of man he is, and no matter how much trouble he can raise for this Government in a foreign country, ought to have the right, merely because he is an American citizen, to go to Russia, or to go to Mexico, or any other place. Well, I do not agree with you as to that.

Mr. SMITH of Illinois. Well, he can go now, can he not?

Mr. NEWTON. No; the department can refuse him a passport.

Mr. BROWNE. Then he certainly ought to have a trial; and there is not any law that provides for a trial now; it is a matter of absolute discretion with the department.

The CHAIRMAN. Now, let us see if he has any other forum in which to assert his rights, except the office of the Secretary of State?

Mr. WELSH. The power to issue passports is discretionary with the Secretary of State; the Secretary may grant or refuse passports in his discretion, and the Secretary exercises that right.

The CHAIRMAN. Is there any appeal from the decision of the Secretary of State?

Mr. WELSH. No, sir.

Mr. BROWNE. I would like to ask Mr. Newton whether he thinks the power ought to rest arbitrarily with the Secretary of State to refuse to grant a passport to a citizen of the United States?

Mr. NEWTON. I feel this way about it: That there ought to be somebody who would have the power to say whether a man could get it or could not get it. Now, they ought to give reasons for it; if the citizen is not given the passport the reasons for the action should stated; it should not be merely in the whim or fancy of the official.

Mr. BROWNE. The law as it exists at present does not require any reasons to be given, does it?

Mr. NEWTON. No; the law does not require any reasons to be given now.

Mr. BROWNE. Then you think if we are going to insist on passports being issued for Americans going abroad, it ought not to rest in the mere discretion of the Secretary of State as to whether one is issued to a citizen applying for it?

Mr. NEWTON. Well, I think now if a passport is refused, they specify the reasons for it, do they not?

Mr. ROGERS. No.

Mr. BROWNE. No; they do not.

Mr. WELSH. The Secretary of State may or may not, as he sees fit. As a matter of fact, when the Secretary of State refuses a passport to a man, he has probably gone to the Department of Justice, and several other agencies, to find out all of that man's history; in other words, the man has been brought up, for some reason or other, per-

haps under the war-time regulations. He may say why they are refused——

The CHAIRMAN (interposing). I am afraid you are confusing war conditions with peace conditions. This legislation is for peace conditions; and, as I understand it, all that a man will be required to do after the proclamation of peace is to prove his citizenship, or that he is a declarant, or that he owes allegiance to the United States, and upon proof of one of those facts the department will issue a passport.

Mr. WELSH. Well, the gentleman is raising a question as to the discretionary power of the Secretary of State. I think that is the question that he was raising.

The CHAIRMAN. Well, you will grant that I am stating the matter correctly, subject, however, to the discretionary power of the Secretary of State to refuse the passport?

Mr. WELSH. Yes; to refuse the passport.

The CHAIRMAN. Now, in times of peace did the Secretary of State refuse to issue passports?

Mr. WELSH. Yes, sir; but not unless there was something against the applicant.

The CHAIRMAN. Well, it would only be for a very extraordinary reason?

Mr. WELSH. It would only be where there was something against the man.

The CHAIRMAN. In other words, unless there was discretionary power vested somewhere a man like Alexander Berkman could apply to the State Department for a passport and you would have to give it to him?

Mr. WELSH. We would have to give it to him.

Mr. SMITH of Illinois. He would go without it; and if he was bad enough not to get a passport we would be glad to get rid of him.

The CHAIRMAN. Yes; it might be a blessing in some cases. I did not choose a very good illustration.

Mr. WELSH. The following is a section from the Revised Statutes, as amended by the act of June 14, 1902, and shows the authority of the Secretary of State:

> The Secretary of State may grant and issue passports, and cause passports to be granted or issued and verified in such foreign countries by such diplomatic or consular officers of the United States, and by such chief or other executive officer of the insular possessions of the United States, and under such rules as the President shall designate and prescribe, for and on behalf of the United States; and no other person shall grant, issue, or verify any such passport.

"The Secretary of State may grant;" in other words, it is entirely discretionary with him, and there seems to be no appeal.

The CHAIRMAN. That is probably so.

Mr. ROGERS. Is it customary for us to issue passports to declarants for citizenship?

Mr. WELSH. Yes, sir; the act of March 2, 1907, in the first paragraph, provides for that.

The CHAIRMAN. Have you a copy of that act?

Mr. WELSH. Yes, sir. The passport is only issued when the man has resided in the United States for a period of three years.

Mr. MASON. And has declared his intention to become a citizen?

Mr. WELSH. And has declared his intention; and the passport is not good in the country from which the man came.

Mr. NEWTON. It is not good in the country from which he came?

Mr. WELSH. No, sir.

Mr. CONNALLY. Have you read section 3 of this bill?

Mr. WELSH. Yes, sir.

Mr. CONNALLY. I want to ask you if it is not a fact that, under section 3, it will be absolutely within the power of the Secretary of State—or the President, of course—to refuse to permit a man to leave the United States, because that section forbids his departure unless he has a passport; and the existing law provides that the Secretary of State may, in his discretion, grant a passport or withhold it; so that if this committee reports section 3 of this bill and it becomes a law, it will be tantamount to turning over to the President the right to put an embargo, as it were, on an American citizen leaving the United States, if he sees fit to do so.

Mr. WELSH. I think that section was designed more to——

Mr. CONNALLY (interposing). I am not talking about what it was designed for; I am talking about what it says.

Mr. WELSH. Well, I do not know.

Mr. CONNALLY. If this section becomes a law, it is your duty to enforce it in the way it reads.

The CHAIRMAN. Mr. Connally, under existing law the Secretary of State can do exactly the same thing; he can refuse a passport, and thus prevent a man leaving the United States.

Mr. CONNALLY. I beg your pardon; under the passport control bill which we reported last session, we refused to require an American citizen to have a passport before going abroad.

Mr. ROGERS. That has not yet become effective.

Mr. CONNALLY. I know that, but it will become effective soon.

Mr. ROGERS. Yes.

Mr. CONNALLY. And the point I make is that in that law which we passed some months ago, to enable them to catch up with the overhang of the war, we did not go to the extent of putting the freedom of the citizen in the hands of the President, as to whether he should go abroad or not.

Mr. MASON. When was that?

Mr. ROGERS. That became effective November 11, 1919.

Mr. CONNALLY. Two or three months ago.

Mr. GOODWIN. That section of the bill (H. R. 12211) provides that it shall be unlawful for any citizen of the United States, or any person owing allegiance to the United States, or any person who has declared his intention to become a citizen of the United States, to leave the United States unless he has secured a passport; but there is no penalty prescribed for violation of it. It says it shall be unlawful to do that, but prescribes no penalty. What penalty would follow?

I will ask you, Mr. Carr, to answer that. There is no penalty prescribed here——

The CHAIRMAN (interposing). No penalty prescribed for what, Mr. Goodwin?

Mr. GOODWIN. Under section 3 of the bill.

Mr. CARR. Unless there is some general law——

The CHAIRMAN (interposing). That section declares that it is unlawful for a man to depart without a valid passport; and our representatives abroad will not give him assistance, because he has violated the law of his country. That is the penalty.

Mr. GOODWIN. He is just denied assistance when he arrives on the other side?

The CHAIRMAN. Yes.

Mr. CONNALLY. In other words, he ceases to be an American citizen.

The CHAIRMAN. If he violates the law in regard to departure from the country, he loses the protection of our representatives while he is abroad.

Mr. ROGERS. Would he be permitted to return to the country?

The CHAIRMAN. Certainly; I do not see why he could not.

Mr. ROGERS. And be punished?

The CHAIRMAN. He would only be punished in the sense that he would not get the assistance of the United States officers in the countries he visits.

Mr. NEWTON. He is denied certain privileges and benefits of the service?

The CHAIRMAN. Because he has not paid his share of the cost of rendering that service; and in my judgment he is not entitled to the privileges and benefits of the service.

Mr. ROGERS. If it became known that that was the only penalty, I think a great many people would prefer to go abroad without a passport and run that risk.

The CHAIRMAN. That may be true; a great many people went abroad before the war without passports. In my judgment, that is a very foolish thing to do. A man should not go abroad without evidence of his citizenship. We are justified in protecting people against that folly—and not only protecting them, but protecting our representatives abroad from the trouble of obtaining the identification of a man who alleges that he is an American.

Mr. MASON. And compel him to pay something for his protection?

The CHAIRMAN. Yes.

Mr. CONNALLY. Let me suggest this: You state that under section 3 of the bill the object is to remove the protection to our citizens in the foreign countries who do not take out passports. Suppose one of our citizens over there did not happen to have a passport, did not take out one, because he wanted to save $10; and suppose he should be illegally thrown into jail by some foreign Government, or his property was seized and confiscated. The chairman does not mean to say that he would forbid the consular or diplomatic representatives of this country from interceding in behalf of that citizen? He does not cease to be a citizen of the United States?

The CHAIRMAN. I do not see where he would be in any danger of having his property confiscated.

Mr. CONNALLY. Well, he might have an automobile—but leave out the property. Suppose he was thrown into jail; does the chairman of this committee mean to say that we could prohibit the American consul or other American representatives from interceding for and assisting that citizen of the United States?

The CHAIRMAN. I say this, that if a man goes abroad in violation of the statutes of the United States, and fails to take out a passport for the purpose of evading the payment of his share of the cost of that service abroad, he takes his chances.

Mr. CONNALLY. Well, I will never vote for any such law requiring a citizen to get the consent of the President to go abroad, in the first place; and in the second place, I would not vote for a law providing that, because he did not pay $10, he could be denied the protection that an American citizen is entitled to anywhere under the sun.

Mr. ROGERS. I should like to ask one more question, if I may, Mr. Chairman.

The CHAIRMAN. Yes, certainly.

Mr. ROGERS. Referring still to section 3, it is almost unthinkable, in my mind, that in peace times and under peace conditions the Congress of the United States would be willing to pass an act which left it to the discretion of any one man to decide whether an American citizen should be permitted or should not be permitted to go from the United States to some other country.

The CHAIRMAN. Yes; I get your point now.

Mr. ROGERS. That, of course, is not the necessary effect of what the chairman has in mind in section 3.

The CHAIRMAN. No.

Mr. ROGERS. It may easily be provided, although I think perhaps it is not now provided in the bill, that the Secretary of State shall be required to issue passports to all men who can establish their American citizenship and who apply for the passport.

Now, I should like to ask Mr. Carr whether he thinks there would be international objections, or objections of policy, to requiring that the Secretary of State must issue a passport to every American citizen who applies for a passport to go abroad?

Mr. CARR. Yes, I do; because the Secretary of State may conceivably know, and has known in some cases in the past, the purpose for which the American citizen was going on the other side; and it was a purpose which if carried out would almost certainly have involved the United States in diplomatic difficulties. I do not mean by that just ordinary, formal difficulties; but it would have meant fomenting revolution, and damaging property abroad, and I think the Secretary of State ought to have the right to refuse a passport in a case of that kind, and if the man goes abroad in spite of that fact, if he could get abroad in spite of that fact, then it is a question at once whether the Secretary of State should not deny him protection. But if he goes over there with a passport issued by the Secretary of State, in the face of the knowledge of the fact of the purpose of his going, it seems to me that the Secretary of State would be placed in a most embarrassing situation in affording protection to that individual.

Mr. ROGERS. Is not this also a corollary of what you have said, that if foreign countries knew that under the law the Secretary of State had no discretion in issuing passports, our passports would cease to be very attractive or useful in the hands of foreign officials?

Mr. CARR. I should think so; yes.

The CHAIRMAN. Mr. Rogers, in regard to section 3, I see that my language is misleading; it was my purpose to place the power in the President to except certain countries. I had in mind Canada and Mexico, and not individuals; I have not stated it clearly, and that is probably what Mr. Connally had in mind and I did not catch it.

Mr. NEWTON. Does this take in Cuba and Bermuda?

The CHAIRMAN. Yes. The point, Mr. Newton, is this: Somewhere between half a million and one million Americans go to Canada every

summer for two or three weeks' vacation—people of moderate means. It would not do at all to make them pay this passport fee. Then, so far as Mexico is concerned, there are at least two instances where the boundary passes through cities, and it would not do to charge $10 for crossing the street. I was trying to frame some language that would permit the President to except Canada and Mexico, and any other countries where there are special reasons for doing so.

Mr. NEWTON. Yes; I get the idea now. Would it not be wise, in the case of Canada, for instance, to provide specifically for Canada and such other countries as the President may from time to time designate? I go from Minneapolis to Winnipeg just as easily as I do from Minneapolis to Chicago; I have done so repeatedly. Nobody bothers you about customs; you leave your bag unlocked, and they look into it, and there is no trouble. During the year I go back and forth a good deal, and there has been no trouble whatever in crossing the line.

The CHAIRMAN. My thought in regard to section 3 was to take it up in executive session and try to put it in some form so that we could except Canada and Mexico.

Mr. MASON. We ought to except Cuba, too, I think.

The CHAIRMAN. Well, I am not opposed to that; but I am not very strongly in favor of it, because I think the people who are going to Cuba to-day ought to pay something. [Laughter.] They tell me that you can get a nice room in a hotel in Habana for $50 a day, and a man who pays that ought to be willing to pay a passport fee of $10.

Mr. MASON. Mr. Chairman, I have drafted my proposed amendment to section 1. There does not seem to be any objection to it. Shall I read it.

Mr. ROGERS. I suggest that we take that up in executive session. We are not considering the bill in detail now.

Mr. MOORES. In connection with that proposed amendment, I would like to ask a question of Mr. Welsh. I will say right now, however, that I am in favor of that amendment, so far as it goes; but I want to ask Mr. Welsh about this situation.

In my district there are a great many men, naturalized American citizens, from Greece, Roumania, Turkey, the Balkan States, and Poland, and the part of Russia bordering on East Prussia. Now, from all of those countries there are many people in moderate circumstances, although they have prospered fairly well in this country. They are loyal American citizens; and they have friends in their old homes who have suffered very bitterly by the war; and I know of a number of instances of comparatively poor people who want to go back for the purpose of aiding and assisting relatives and friends in those countries who have suffered by reason of the war. Now, is that condition general, or is it local to those countries I have named?

Mr. WELSH. Up through Poland and those countries around there, the conditions are deplorable, and many people want to go over to help.

Mr. MOORES. Those people simply want to go back to find their relatives and do what they can for them. They are not wealthy people, and they are not traveling for pleasure, and they are not going back to visit the graves of American citizens. I know one case of a man who was a good citizen; he was at his old home in Bulgaria

on a visit when the war broke out. He had not completed his naturalization papers in this country; and he was drafted in Bulgaria—a man all of whose interests were in the United States; he was drafted and compelled to fight us over there because he was not yet an American citizen. Whether that man's relatives would want to bring him back, I do not know. But that condition is more or less true in a good many parts of the country, is it not?

Mr. WELSH. A good many parts of European countries? Yes.

Mr. MOORES. Well, in a good many parts of this country there are a good many citizens from those countries.

Mr. WELSH. From those countries who are here and want to go back and bring their people over here?

Mr. MOORES. Yes.

Mr. WELSH. I do not know definitely about those other countries; but in Poland I should say there are nearly 100,000 people waiting to come over here, and many relatives here want to go over to assist them.

The CHAIRMAN. Gentlemen, Representative Rhodes, of Missouri, is present, and desires to make a brief statement before we adjourn.

STATEMENT OF HON. MARION E. RHODES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI.

Mr. RHODES. Mr. Chairman and gentlemen, you will recall that I had a resolution with relation to our soldiers in Siberia pending before this committee last session.

I reintroduced this resolution on the first day of this session, and that resolution calls for information in regard to the American soldiers in Siberia.

I have not asked the consideration of this resolution, for the reason that what Mr. Mason, of this committee, and other well-informed Members of Congress have said, in addition to what I have seen in the newspapers, have led me to believe that the American soldiers were removed from Siberia. In fact, Mr. Mason told me no longer ago than day before yesterday that his information was that our soldiers had been removed from Siberia.

Mr. MASON. That it had been ordered.

Mr. RHODES. And for that reason I have not pressed the consideration of my resolution.

The CHAIRMAN. May I interrupt you a moment and ask you whether you are referring to the draftees or the regular soldiers?

Mr. RHODES. My resolution has reference to the draftees.

The CHAIRMAN. I know it has.

Mr. RHODES. I was not going to ask you to consider the resolution at all. My attention was called to an article in the Washington Post this morning in which, among other things, the following language appears:

> Seizure by the Bolshevists of the railway station 20 miles outside of Vladivostok closes, temporarily, at least, the natural route for the evacuation of the American troops still in Siberia, as well as of the Japanese and other contingents.

And I called this morning, not knowing the committee was in session, merely for the purpose of making inquiry of the chairman as to what soldiers this article applies to—whether it be the drafted men or the men who enlisted for foreign service.

The CHAIRMAN. I can not inform you.

Mr. MASON. May I answer that, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. MASON. My information is that the boys from Chicago are all at home; there were some 4,000 Illinois men who were drafted, and they are all at home, or on their way. Those soldiers that are over there now, if that is true that they are caught in a trap, are the volunteers that have been sent there since the conscripts have been brought home.

You may remember, Mr. Rhodes, that when the Secretary of War was here, I asked him if there was any possible danger of the Bolsheviki and the Kolchack and the Denekin Governments getting together and bringing disaster to our little band of fellows over there. He said it was impossible; that they were so far apart. But if that report in this morning's papers is true, the Secretary of War was entirely mistaken, and our troops are in a position where, if they come out at all, they will come out with the consent of the Soviet Government, or the Bolshevists.

Mr. RHODES. And there is the further fact, if you will permit me to say so, that the Kolchack Government is ended.

Mr. MASON. Yes.

Mr. RHODES. And whether our soldiers be drafted men, or whether they be men regularly enlisted for that service, they are certainly in a very sad plight. And I believe that I am justified in asking the committee, as soon as convenient, to give me a hearing on that resolution. It has been pending since the first day of the present session.

The CHAIRMAN. Very well; how would to-morrow suit you?

Mr. RHODES. That would suit me.

Mr. CONNALLY. We gave you a hearing last session, I believe?

Mr. RHODES. Yes. An objection was made, I think, by the gentleman from Texas, that the resolution was not privileged, and for that reason I introduced the resolution in such a way that it would meet that.

The CHAIRMAN. You only want to ascertain one fact, and that is whether these men are draftees?

Mr. RHODES. That is merely an incident. My resolution calls for the American policy. Also, I want to know whether or not the Japanese Government has kept its part of the international understanding, that was not only entered into but promulgated, through European Governments and through the Chinese Government and the American Government. And it looks to me like that whole Siberian muddle has simply gone from bad to worse.

I think if we were justified in calling for that information last fall, we are equally justified in calling for it now; and I believe that Congress is entitled to know some of these facts.

The CHAIRMAN. Whom would you like to be present at the hearing—the Secretary of War and some one representing the State Department? I will call anybody you desire.

Mr. RHODES. I think the representative of the Secretary of War would be necessary, because, perhaps, the State Department would not be able to tell us to just what soldiers this reference is made. I should like to have a representative of the State Department, and also a representative of the War Department.

The CHAIRMAN. All right.

Mr. MASON. Right in that connection, if the chairman will permit me, I will make a brief statement: It seems to have been confirmed—the report that we had about 10 days ago—that the people who attacked our troops and that we had our engagement with were the Denekin troops, working, of course, in combination with the Kolchack troops; and they are the very ones to whom the Secretary of War testified here that he was sending guns and ammunition—that he was selling them to a man by the name of Huegat, who is connected with the Denekin government, and those guns and ammunition were sent to Denekin and Kolchack and the bolsheviki—and the only fighting that we have had in the last 30 days has been with the men to whom we are furnishing the guns.

I have introduced a resolution looking also to an inquiry as to the facts in that particular; and I will ask the chairman to consider that resolution at the same time that the other is considered.

The CHAIRMAN. Mr. Rhodes, will you notify the clerk of the committee whom you desire to have here, and we will attend to it for you?

(Thereupon, at 12.15 o'clock p. m., the committee adjourned until Friday, February 6, 1920, at 10.30 o'clock a. m.)

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Wednesday, February 4, 1920.

The committee met at 11 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

STATEMENT OF MR. JOHN STANLEY MOORE, CHIEF OF THE VISÉ OFFICE, DEPARTMENT OF STATE.

The CHAIRMAN. Will you state the position you hold, Mr. Moore?

Mr. MOORE. I am Chief of the Visé Office, Department of State.

The CHAIRMAN. How long have you held that position?

Mr. MOORE. Since the 19th of November, 1919.

The CHAIRMAN. Were you familiar with the duties of that office before you became chief?

Mr. MOORE. Perfectly familiar, as I represented the Secretary of War in passport and visé questions during the time of the war. I was then in the United States Army—connected with the Military Establishment.

The CHAIRMAN. I requested you to prepare a brief statement of the law in relation to the visé fees. Have you that statement?

Mr. MOORE. Yes, sir; here it is.

The CHAIRMAN. For the information of the committee I would like to read this statement, which will enable us to follow the examination much better. [Reading:]

In connection with the visé of alien passports it is to be noted that no visé was required, and, consequently no sum collected for this work prior to April, 1917. On that date telegraphic instructions were sent to all missions for transmission to consulates, requiring that visé of foreign passports was necessary but that no fee should be collected by diplomatic and consular officers for such service.

Under date of August 8, 1918, a presidential proclamation was issued providing for rules and regulations governing the viséing of foreign passports and specifying the

charge for the same. These rules and the charges became effective September 15, 1918.

Under section 35, title 7, the following charges were made:

For viséing each foreign passport, not including passports of officials	$1.00
For preparing declaration and administering oath	1.00
For certifying to a copy of declaration previously taken	1.00

The CHAIRMAN. I would like to inquire of the witness what is meant by the reference to "section 35, title 7," in this statement?

Mr. MOORE. It is the presidential proclamation under which the passport control act was put into effect. Here is a copy, Mr. Chairman, and you will find the reference at the page turned down.

The CHAIRMAN. I am looking for the provision which terminates it.

Mr. MOORE. That is in the front.

The CHAIRMAN. That probably does not quote the exact words of the act. It is a fact that the espionage act ends with the proclamation of peace by the President.

Mr. MOORE. The espionage act has to do with applications for passports, not fees for visés. Visé fees are fixed by presidential proclamation, which says that while the United States is at war, and the President shall deem it for the safety of the United States, as stated there, such rules and regulations shall become effective.

The CHAIRMAN. All I cared about was the mere fact that the presidential proclamation which gives the right to charge this fee of $1, will expire with the proclamation of peace.

Mr. MOORE. With the proclamation of peace.

The CHAIRMAN. After the proclamation of peace there will be no authority for charging any fee for viséing foreign passports?

Mr. MOORE. No fee at all.

The CHAIRMAN. Yes.

Mr. MOORE. Because that will nullify the proclamation fixing the fee.

The CHAIRMAN. Therefore, if we expect to charge for this service after the proclamation of peace, it is absolutely necessary to have some legislation.

Mr. MOORE. It will be so, sir; unless the President proclaimed that it was necessary to continue the present regulations.

Mr. MASON. Under the act itself, he can continue it for a year, can he?

Mr. MOORE. The time is not stated, Mr. Mason.

Mr. CARR. There is no permanent legislation on the visé of foreign passports as the act passed in October, 1919, expires by its own limitation on March 4, 1921.

Mr. ROGERS. May I ask a question of the chairman?

The CHAIRMAN. Yes.

Mr. ROGERS. I have before me the espionage act of June 17, 1919, under which, as I understand it, the present passport regulations, as distinguished from the visé regulations, are promulgated.

Mr. CARR. The passport regulations, in so far as they relate to the collection of fees for applications for passports——

The CHAIRMAN. I hope we will not get into the passport question now.

Mr. WELSH. We are on the visé now.

The CHAIRMAN. Yes.

Mr. WELSH. The espionage act refers only to the passport regulations.

The CHAIRMAN. Mr. Moore, will you state to the committee the method by which these foreign passports are viséed?

Mr. MOORE. Every foreigner, at the present time, now wishing to come to the United States must secure a passport from the country to which he owes allegiance. In order for him to get to the United States that passport must be viséed by a consul or mission of the United States. With the exception of Germans, Austrians, Russians, and Moslem Turks, consuls have authority to visé the passports of aliens, without referring to the State Department for permission to so visé.

Mr. MASON. They have permission to do what?

Mr. MOORE. They have permission to visé the passports of all persons, with the exceptions of Germans, Austrians, Russians, and Moslem Turks, on their own responsibility, without referring to the State Department for permission so to visé.

In the case of Germans, Austrians, Russians, or Moslem Turks the consul must refer the name, and any pertinent information in connection therewith, to the State Department at Washington for a decision. The department in Washington then telegraphs to the consul to visé or to refuse visé.

Mr. ROGERS. Is the inquiry to the department referred by the consul by a cable?

Mr. MOORE. By cable if the applicant will pay for the cable. By dispatch if the applicant will not so pay.

Mr. ROGERS. Does the method of transmitting the reply of the department also depend on whether the applicant is willing to pay the cable charges?

Mr. MOORE. Yes.

The CHAIRMAN. Does the consul or the mission make any investigation of the alien when he presents himself to have his foreign passport viséed?

Mr. MOORE. The consul has access to what we call the suspect file of the mission, that is the embassy or legation, and also has access to the suspect files of the military and naval attachés.

The CHAIRMAN. Of the United States?

Mr. MOORE. Of the United States. He also is supposed to, and does, make an investigation of the applicant through the mayor of a town, through the priests of a village, through chambers of commerce, or anyone who could give to the consul information concerning the applicant coming to this country.

The CHAIRMAN. You say he is supposed to do that, but does he actually do it?

Mr. MOORE. Yes, he does.

The CHAIRMAN. Is it not largely a matter of just a rubber stamp on the passport?

Mr. MOORE. No, sir. It is true that the consul may not make a very complete or exhaustive examination through the mayor of the town or the various civic agencies, but it is true, however, that each applicant is investigated in the suspect files, so-called, of the legation or the embassy, and the files of the United States military and naval attachés.

Mr. ROGERS. But as to the countries where we have no missions?

The CHAIRMAN. I am not inquiring about those countries.

Mr. ROGERS. You were excluding those?

The CHAIRMAN. Yes.

Mr. MASON. If you will pardon me, Mr. Chairman, they might at once discover facts that would satisfy them as to whether they should visé or not, without going further. If they found a man in one of these suspect lists, they might refuse, or they might find out facts on that initiative, that would satisfy them.

The CHAIRMAN. The suspect lists do not furnish very unsatisfactory evidence as to the record of an alien.

Mr. MOORE. They furnish evidence, but the evidence is becoming more unsatisfactory every day, due to the fact that a great many reasons for excluding aliens from the country are now obsolete, although operative during the last few years. During the war the carrying on of correspondence or trading with the enemy was prohibited, and persons suspected were put on the suspect list. Of course that prohibition, since the terms of the armistice, has ceased.

The CHAIRMAN. I do not know whether you can give this information or not. Take the embassy at Rome, during the time of peace, how many names would be on the suspect list there?

Mr. MOORE. Am I asked to answer from an Army standpoint?

The CHAIRMAN. Perhaps I did not make myself clear to you. I know that those lists contained large numbers of names during the war; but we are now entering a period of peace, and I wanted a comparison as between the present list and the prewar period. I am inclined to think that the embassy at Rome did not have a thousand names on its suspect list prior to the war.

Mr. MOORE. Prior to the war?

The CHAIRMAN. Yes.

Mr. MOORE. I fancy there was probably no suspect list in Rome, other than in the brain of the minister himself.

The CHAIRMAN. Then, after we reach a state of peace, the suspect lists, as well as other lists connected with the war, will probably go out of existence?

Mr. MOORE. Yes, sir. To a certain extent they will become obsolete.

The CHAIRMAN. And after reaching a state of peace these other lists that you mentioned—I believe one was that of the military attaché?

Mr. MOORE. Yes; and that of the naval attaché.

The CHAIRMAN. Those lists will go out of existence?

Mr. MOORE. Practically obsolete.

The CHAIRMAN. Therefore the only means that our representative will have in time of peace to ascertain the record of an alien who desires to enter this country will be such information as he can gather from the mayor or other officials of the city from which the alien comes, or the town where the alien lives?

Mr. MOORE. That is true, sir.

The CHAIRMAN. Is it not a fact that a large percentage of the aliens who enter this country come from the rural districts, and that information in regard to such a man is almost completely beyond the reach of the American representative?

Mr. MOORE. No, sir; I should say not, if the American representative takes the trouble to ascertain.

The CHAIRMAN. Let me interrupt you there for a moment. That is the trouble with the situation; if he takes the trouble to ascertain, as you say. I have in mind an American consul who has numerous duties to perform. He should be at his place of business from 9 to 5. He may have a vice consul, etc., but if a man comes into his office from a distance of a hundred miles or two hundred miles, from away up in the mountains of Italy, how is he to ascertain anything about that man's record without going up there?

Mr. MOORE. Do you mean, how could it be done?

The CHAIRMAN. With the force at his command, is he able to do it in a way that is at all satisfactory?

Mr. MOORE. That will depend very largely upon the number of applications per day. There are some consulates—not many, but some—where they must be, to use a common phrase, "railroaded" through, due to the fact that they are almost swamped with applications. That is notably so at Naples.

Mr. NEWTON. That is where we need scrutiny over this viseing of passports the most, right there, in places like Naples.

Mr. MOORE. Yes, sir.

Mr. NEWTON. It is in the countries that were struck at in the Burnett bill that we usually find railroading, where illiteracy is quite common?

Mr. MOORE. Yes.

Mr. SABATH. Will you pardon me, Mr. Chairman. In the question you asked you said that inasmuch as the majority of these people come here from the rural districts, our consular service has no chance to make investigation. I desire to state that in a majority of the countries abroad people do not live as they do here, on separate farms. As a rule they live in a village, and they have their own mayor or their commissioner. They do not live apart as the American farmers do.

The CHAIRMAN. I agree with you about that.

Mr. SABATH. Consequently, it is much easier for them to secure the information from the trustees or from the mayor of such village or town.

The CHAIRMAN. That is not material, however, to the point that I have in mind.

Mr. SABATH. I thought you were fearful that our representative would not have the chance to make the inquiries because he would have no one to make inquiries of.

The CHAIRMAN. I think we all know perfectly well that our system of investigating aliens is extremely imperfect.

Mr. SABATH. You know, Mr. Chairman, we had no system before this was adopted, of investigating anybody on the other side. We have been doing the investigating here at Ellis Island.

The CHAIRMAN. Probably if we had had a better system we would not have had to deport a lot of people.

Mr. ROGERS. Just along that line, may I ask the witness one question?

The CHAIRMAN. Yes.

Mr. ROGERS. Is it not true that the people we are most anxious to exclude are apt to be the people that the country of their origin is

most anxious to get rid of, and therefore is it not true that our investigator, whether it be a counsel or some one else, is in danger of getting entirely wrong information concerning the character of the man of whom he inquires?

Mr. MOORE. I would answer that by saying that I think there is a very strenuously cooperative feeling among the countries of the world against unloading desperate criminals, bolsheviks or anarchists from one country onto another.

The CHAIRMAN. How about the crowd that we unloaded?

Mr. MOORE. Oh, we were sending them back home.

The CHAIRMAN. You will agree with me that it is highly important, probably more important at the present time than ever before, that we should carefully investigate aliens before we visé their foreign passports?

Mr. MOORE. I not only agree with you, but I go away ahead of you, Mr. Chairman. I think it is decidedly important. I think it is one of the most important questions and one of the most important facts that should be brought home to the people, that we to a certain extent should, to use the common expression, handpick the aliens coming to this country and not allow those to come who would not be suitable citizens.

The CHAIRMAN. Mr. Moore, assuming that we were able to give our missions and consulates further assistance in the making of these investigations, there, of course, would be some countries where it would not be necessary to be as thorough as in others. For instance, take Great Britain. We would not have to make the same investigation there as we would in southern Italy.

Will not this increase from $1 to $4 for the viséing fee produce enough funds to investigate, at least in a much better way than we are doing at the present time, the records of these aliens before they come to this country?

Mr. MOORE. Without any question.

The CHAIRMAN. And is there anything unfair, according to your viewpoint, in this Government requiring the alien to reimburse our Treasury with the amount of money that it costs to investigate his record?

Mr. MOORE. There is nothing unfair about it.

The CHAIRMAN. I understood the other day, from a talk that I had with you, that you have a quite comprehensive plan in your mind in regard to the way this work should be done.

Mr. MOORE. Yes.

The CHAIRMAN. So that all you need is the funds with which to do it?

Mr. MOORE. Yes, sir.

The CHAIRMAN. If this fee is increased to $4, that increase will give you sufficient funds to carry on these investigations in a proper way?

Mr. MOORE. Yes, sir; to a certain extent. May I just qualify the words "proper way"? It would require, to do it in a proper way, five hundred times the amount of the increased revenue, perhaps. But the increased revenue, if made available, would accomplish results in an adequate and efficient way.

The CHAIRMAN. A reasonably satisfactory way?

Mr. MOORE. Yes.

The CHAIRMAN. I requested you, I think, to bring up a table showing the immigration to this country.

Mr. MOORE. You did. I have prepared it, and here it is.

Mr. NEWTON. Mr. Chairman, before you go on with that subject, there is one question I wanted to ask.

The CHAIRMAN. Will you pardon me, Mr. Newton? I might say for the benefit of all the members of the committee that I never object to interruptions at all, except that I think it is a good plan, when we take up a witness like Mr. Moore, that I finish my examination, and then you can interrogate him.

Mr. NEWTON. Yes.

The CHAIRMAN. It keeps the testimony in such shape that it is much better understood in the record.

Mr. NEWTON. Mr. Moore, has the department formulated any plan whereby the alien seeking the visé of his passport must submit, along with his application, a certificate affirmatively showing as to what his character has been in the community; whether he has been free from crime or otherwise, and whether he has been a trouble maker? In other words, must his application be accompanied by suitable references from men of standing in his community?

Mr. MOORE. You mean at the present time?

Mr. NEWTON. At present.

Mr. MOORE. No, sir.

Mr. NEWTON. Should not this be the attitude of the department? Here is a man who wants to come into this country. He is asking a favor. He can not demand a right. In order to save the expense of our investigation in part, why should not the department require him to furnish to the consul with his application suitable detailed references as to how long he has lived in a place and how he has behaved himself, and his activities in the community?

Mr. MOORE. May I answer the question by telling you that in his application that is all set forth. He makes it himself. It is the easiest thing in the world for any applicant to file with his application letters of indorsement. A letter of indorsement means nothing, practically.

Mr. NEWTON. It may mean a great deal. It depends upon the letter and it depends upon how that is carried out later, and used.

Mr. MOORE. Obviously, the man would not file with his application adverse letters of indorsement, would he? He only files good ones. His application is in the nature of a questionnaire in which he fills out answers to questions such as "Have you ever been arrested?" etc., and questions of that kind; the answers giving information.

Mr. NEWTON. Have you those application forms which are uniform throughout the different countries?

Mr. MOORE. Throughout the world.

Mr. NEWTON. Would there be any objection to your furnishing copies to the committee so that we may have them in the hearings? It seems to me it would be a matter of interest to the members of the committee?

Mr. MOORE. Oh, certainly not. They are printed by thousands.

Mr. NEWTON. I will ask to have those forms included in the hearing, unless the chairman sees some objection to having them.

The CHAIRMAN. No; I would be glad to have them.

(The forms referred to are here printed in the record, as follows:)

Form 228.—Established July, 1917, and amended July, 1919.

DECLARATION OF ALIEN ABOUT TO DEPART FOR THE UNITED STATES.

(See general instructions No. 535.)

.....(Title of office.) .....(Place.) .....(Date.)

I, ... (name of declarant), ...(occupation), a citizen or subject of .....(name of country), since ..... (exact date), bearer of passport No. ....., dated ....., issued by ..... (name of office), am about to go to the United States. The persons mentioned below are the immediate members of my family; those whose names are underscored accompany me on this journey:

(To be filled out even if none of the persons mentioned accompany applicant.)

Wife, ... (name), born at ..... (place), ... (date).

Sons under 16 years of age, as follows:

.... (name), born at ..... (place), ... (date).

.... (name), born at ..... (place), ... (date).

And daughters under 21 years of age, as follows:

.... (name), born at ..... (place), ... (date).

.... (name), born at ..... (place), ... (date).

1. I was born at ..... (place), on ..... (date).

2. My father was a citizen or subject of ....., of the ..... race; my mother was born a citizen or subject of ..... of the ..... race.

3. (*a*) I last resided at ..... (place), ... (address), on ..... (date). (*b*) I have resided in or visited the following countries within the past six years for the objects mentioned herein; ..... (places, addresses, dates, and objects of residence).

4. I have ..... previously resided in the United States as follows: ..... (places, addresses, dates, and objects of residence).

5. I intend to depart for the United States on the date, from the port, and on the steamship as follows: .....(date), ... (port), ... (steamship).

6. I name the following, with addresses, as references: (*a*) ..... (in the country from which declarant starts). (*b*) ..... (in the United States).

7. I expect to go to the United States for ..... (object of visit), as shown by ..... (documents or other proofs of object), to reside at ..... (city, street, and number).

I have served in the armies during the periods and in the capacities specified below: .....

[1] [I desire to proceed to the United States merely in transit to ..... (city and country), and to remain in the United States only .... days. I intend to depart from the United States at ..... (place of departure)].

8. I have informed myself of the provisions of section 3, immigration act of February 5, 1917, and am convinced that I am eligible for admission into the United States thereunder.

9. (*a*) I realize that if I am one of a class prohibited by law from admission into the United States I will be deported or detained in confinement in the United States; and (*b*) I am prepared to assume the risk of deportation and of a compulsory return trip in case of my rejection at an American port.

.... (signature of declarant).

Subscribed and sworn to before me this .... day of ..... (month and year).

.... (official signature).

N. B.—The taking of this declaration and viséing of the bearer's passport give no assurance that the bearer is not excludible from the United States under section 3 of the immigration act of February 5, 1917. The decision in each case must be made by the immigration authorities in the United States.

[Photograph.] Remarks by official taking declaration.

Slip to be filled in, detached, and filed by office making supplemental visé if country of departure for United States is different from that in which declaration is made.

No. of visé ....(place). .....(date).

Declaration of ....

Accompanied by .... (wife and number of minor children).

Issued by American consular officer at ..... on ..... (date).

The CHAIRMAN. You have prepared for us a list showing the immigration to the United States from June 30, 1899, to June 30, 1919?

Mr. MOORE. Yes, sir.

The CHAIRMAN. I will offer that for the record.

[1] Only transients through United States need fill this in

(The list referred to is here printed in full, as follows:)

Immigration, fiscal years ended June 30, 1899 to 1919.

1899	311,715	1911	878,587
1900	448,572	1912	838,172
1901	487,918	1913	1,197,892
1902	648,743	1914	1,218,480
1903	857,046	1915	326,700
1904	812,870	1916	298,826
1905	1,026,499	1917	295,403
1906	1,100,735	1918	110,618
1907	1,285,349	1919	141,132
1908	782,870		
1909	751,786	Total	14,861,483
1910	1,041,570	Average, about	700,000

The CHAIRMAN. I notice that in 1910 the immigration was 1,041,570. In 1911 and 1912 it fell off about 150,000, and in 1913 it ran up to 1,197,892, and in 1914 to 1,218,480; and of course in 1914 and following years, after the war broke out, the immigration decreased enormously. If it should assume the proportions it did before the war, now that we are at peace, this increase in the fee would provide a very tidy sum for the adequate investigation of all of these aliens?

Mr. MOORE. Yes, sir.

The CHAIRMAN. It would put you in a position whereby you could make an investigation that would be satisfactory to yourself?

Mr. MOORE. Yes, sir; it would.

Mr. ROGERS. The immigration for the last five years was less than the immigration for the single year 1914?

Mr. MOORE. Yes.

Mr. SABATH. Will you pardon me. In connection with those figures, will you insert also those departures on the part of aliens during the last 10 years? I would like that, if you have it.

Mr. MOORE. I have that from the year 1908, sir, up to 1919.

The CHAIRMAN. You have also prepared a statement showing the number of aliens departing each year from the United States from June 30, 1908, to June 30, 1919, which you have handed me?

Mr. MOORE. Yes, sir.

The CHAIRMAN. Let that be printed.

(The statement referred to is here printed, as follows:)

Emigration, fiscal years ended June 30, 1908, to 1919.

1908	395,073	1915	204,974
1909	225,802	1916	129,765
1910	202,436	1917	66,277
1911	295,666	1918	94,585
1912	333,262	1919	123,522
1913	308,190		
1914	303,338	Total	2,681,990

Mr. MOORE. Might I qualify that by saying that those are aliens departing from the United States, not citizens departing from the United States. I know nothing of the record of citizens departing from the United States.

The CHAIRMAN. You have no record showing the number of naturalized citizens who have departed from the United States during the last five or six years?

Mr. MOORE. No, sir. I can give you a tabulation by citizens of the different countries, if you choose. The figures that I have given you are predicated upon that report of the commissioner.

The CHAIRMAN. You have not the record with you of naturalized American citizens who have left the country in those years?

Mr. MOORE. No, sir.

Mr. ROGERS. It would not be possible to prepare a table of naturalized citizens emigrating, because it would be impossible to tell for what purpose they went. They might have been going as soldiers, or for any other purpose.

Mr. MASON. I do not think it would be very valuable.

Mr. ROGERS. A man might be a business man going over and then coming back within a month.

The CHAIRMAN. I think that is all I want to ask Mr. Moore.

Mr. ROGERS. Assuming that the consul, after making a suitable investigation of the alien who seeks the visé, decides that he is not likely to make a desirable member of our population, and refuses a visé; is there any method open to that alien, if he thinks that the consul has abused his discretion, of getting the case on appeal to the State Department or elsewhere?

Mr. MOORE. There is an informal way of doing it, and that is by going to the foreign office, or to a deputy or whatever he may be, and raising a howl. Then the Senator or the deputy or the foreign office at once gets after the consul and makes it very uncomfortable for the consul, and in some instances the consul has caved in.

Mr. ROGERS. I do not want to see the consul cave in because pressure is brought upon him; but on the other hand, I suppose Mr. Carr would say that the consular force has occasionally a little human element involved in it.

Mr. CARR. He may make a mistake.

Mr. ROGERS. The consul may make a mistake, or he may be prejudiced, and he may unwarrantably refuse the visé to a thoroughly reputable and desirable citizen. Now, does not that mean, with that control over incoming aliens, that perhaps there ought to be some very carefully safeguarded means of allowing an appeal to the State Department in case an alien thought that he had been unfairly treated?

Mr. MOORE. There is provided no such method. It is assumed that the consul makes an investigation. The excludable classes, so far as the consul is concerned, are rather numerically small.

Mr. ROGERS. But if there is no review of the consul's decision, it does not make any difference whether there are 5 excludable classes or 500; he can simply say, "I refuse the visé," and as it stands now, if I understand you correctly, there is absolutely no redress for that alien, no matter how arbitrary and even despotic that refusal on the part of the consul may be.

Mr. MOORE. May I qualify that by saying that the duty of the consul is to refuse to visé, at the present time, to a man who has bolshevik or disturbing tendencies, and as such would be a menace to the United States. It is not the duty of the consul to refuse visé, because the man falls within one of the excludable clauses under the immigration law. Let me cite an instance. If you are a consul at Naples and I am an illiterate Italian I get a psasport from the Italian Government and I take it to you, as the American consul, for visé

You know that I am illiterate. You say to me, "You can not enter the United States; you are illiterate." But I at once say, "That is none of your business whether I am illiterate or not, if I am a reputable citizen in my community. I demand a visé." And you must give it to me.

Mr. ROGERS. He does not come under the provisions of the Burnett immigration law.

Mr. MOORE. I am saying that that is not one of the consular excludable classes—illiteracy. That is a question to be decided at the port of entry or a port in the United States.

Mr. ROGERS. If that is the practice, I am stunned and resentful at the practice.

Mr. NEWTON. That simply moves his examination over here.

Mr. ROGERS. I understand; but it ought not to move his examination. We ought to stop him before he starts in and gets on his way.

Mr. NEWTON. It is another case of duplication of effort and overlapping of operations of Government departments.

Mr. ROGERS. Suppose that a man is suffering from a loathsome disease which is apparent when he comes into the office of the consul; suppose he is suffering from trachoma, or anything you like; do you mean that if he is reasonably sure of that that the consul must give him the visé, no matter what treatment is going to be extended to him in New York?

Mr. MOORE. I would qualify that by saying that it is the privilege of the consul to state on the man's passport or application, "Applicant informed he is liable to be excluded from the United States."

Mr. ROGERS. But if the consul lives up to his instructions, he has no right to exclude that man or to refuse a visé, because he has a loathsome disease which would make him subject to exclusion at New York?

Mr. MOORE. That is true.

Mr. ROGERS. I think that is a shocking state of affairs, myself. But it does not get down to the bottom——

Mr. CARR. May I interrupt, there, just a second, Mr. Chairman, to say that your particular example would be taken care of in most cases by the ordinary enforcement of the immigration laws at the other side by means of the sanitary measures taken against the vessel. For instance, take Naples, which you were speaking of a while ago; vessels must not bring from Naples people who are excludable under our immigration laws, because if they do they will have to take them back at their own expense.

Mr. ROGERS. Yes.

Mr. CARR. We have our own sanitary officers at Naples to assist the consul, and to countersign, with the consul, the bill of health of the vessel, without which a vessel can not enter a United States port. Therefore all questions of disease are, in nearly every case, taken care of through the public health machinery which operates, and reinforces to that extent in the foreign ports both the immigration and the sanitary laws.

Mr. ROGERS. Have we sanitary officers in smaller ports?

Mr. CARR. We do not have a sanitary officer in the smaller ports; but there is the same bill of health restriction, and the consul has control of the bill of health and has the responsibility fixed upon him of seeing that the vessel does observe our sanitary laws and

does not bring persons afflicted with certain diseases; and does not come in an insanitary condition.

The CHAIRMAN. May I add to what Mr. Carr has said this fact, that the steamship companies are extremely careful about taking immigrants from abroad, and if they do not measure up to the standards required by our immigration laws, they refuse to accept them for passage.

Mr. SABATH. Not only that, but the steamship company would also be penalized for bringing over any such alien that could be detected as suffering with some of those loathsome diseases that can be detected by examination on the part of any health officer of the steamship company.

The CHAIRMAN. Yes.

Mr. CARR. I might say for the information of the committee that before the war there was constantly occurring, at a number of places, much difficulty, with which the department was frequently confronted, in instances of relatives seeking the admission of people to this country, particularly with reference to ports like Marseilles, where people had come, for example, from Syria and had to transship at Marseilles, and where it was discovered by the ships' doctors that these people were suffering from a condition of the eyes called trachoma. They never could come over until they were able to satisfy the officials of the ship that the disease had been entirely cured. That shows how really carefully the country is protected against disease.

The CHAIRMAN. And we usually cast the burden on the steamship companies of protecting the country from diseased immigrants and dependent immigrants?

Mr. CARR. Precisely as you are casting upon the steamship companies a certain part of the burden of the enforcement of this visé control act which you passed last summer, in which you provide a penalty for the steamship company helping in the violating, or assisting in the violation, of that act by bringing people into this country who do not come in in compliance with those regulations.

Mr. ROGERS. May I ask if there is any test made by the steamship company or anyone else overseas to determine the respective illiteracy of the immigrants?

Mr. CARR. I am quite sure there is, because if a steamship company brings illiterates over, of course it has to take them back; and so for its own protection it has got to make some kind of a test.

Mr. SABATH. Mr. Chairman, with all due respect to this examination, I would ask, Are we going to assume the jurisdiction of the Immigration Committee in this committee?

The CHAIRMAN. No; not at all.

Mr. SABATH. I did not know. It is perfectly satisfactory to me. I happen to be a member of both committees. Of course, as a member of the Immigration Committee I am obliged, in justice to that committee, to protect its rights and prerogatives in this legislation, and I know that that committee is very desirous, as far as it possibly can, of legislating on all these subjects, and they have been legislating strenuously for the last few years and now are having hearings, and they have bills in preparation on the question of immigration.

The CHAIRMAN. I might say to you, however, that so far as the investigation of aliens before they leave foreign countries is concerned, the Committee on Immigration has not exercised its prerogatives to any great extent.

Mr. SABATH. If the chairman will permit, in the act of 1907, as well as in the act of 1917, I think you will find where certain authority has been given to the President or to the department to negotiate with the foreign countries to establish a certain department of ours, or give our representatives the right to make certain investigation, and that would require a special treaty with these various countries, because up to that time these countries have refused our country to establish any bureau to make any special investigation and examination over there.

The CHAIRMAN. Perhaps we are a little more practical than your committee. We are trying to provide the money with which to make these investigations.

Mr. SABATH. Again I beg the chairman's pardon. If I am not mistaken, I originally brought the committee's attention to the fact that we could secure a certain amount of money out of increasing the fees for passports and the viséing of passports, which would enable that division to properly increase its force, which is so shorthanded and which needs reinforcement.

The CHAIRMAN. The committee is very thankful to you.

Mr. ROGERS. The fact is that that question was first raised by Mr. Siegel in a letter to the committee which was placed in the hearings on the passport control act of last October.

Mr. SABATH. I am not going to take away anything from Mr. Siegel, but I am obliged to admit that I have not seen that letter and I was not present at that hearing.

Mr. ROGERS. The letter itself is in the record.

Mr. SABATH. I will not dispute the gentleman's statement.

Mr. ROGERS. I will show it to you.

Mr. SABATH. You do not have to show it to me. I am not going to dispute it; I am not disputing it.

The CHAIRMAN. I would like to read into the record a portion of the annual report of the Commissioner of Immigration to the Secretary of Labor for the fiscal year ending June 30, 1919, on the passport visé system.

Mr. CARR. This begins on page 65 of the report. [Reading:]

THE PASSPORT-VISÉ SYSTEM.

In its last report the bureau directed attention to the fact that shortly after the United States entered the World War it became evident that this country must protect itself against all plans and schemes of the enemy, including those that might involve the sending to the United States of spies, and like activities. On July 26, 1917, the Secretary of State and the Secretary of Labor issued a joint order requiring that aliens coming to the United States should present passports and that in the process of securing the approval by American consular officials they should furnish quite detailed information concerning themselves, and also providing for the investigation of these cases, to as full an extent as possible, by diplomatic and consular officials stationed abroad. The joint order of July 26, as well as the regulations promulgated by the Department of State in connection therewith, resulted from various conferences held between the Bureau of Citizenship and the Bureau of Immigration, for the purpose of discussing the proper supervision of aliens coming to the United States during the continuance of the war. While the regulations were being enforced at the seaports and on the land boundaries by immigration officers, and in foreign countries by diplomatic and consular officials, the interested branches of the Departments of State, Treasury, War, Navy, Justice, and Labor exerted every possible

effort to prepare a law that would more adequately deal with the subject which the joint order and accompanying regulations were intended to cover as an emergency arrangement. These efforts resulted in the passage of the act of May 22, 1918, "To prevent in time of war departure from and entry into the United States contrary to the public safety." Upon the basis of this act, the President issued a proclamation followed by an Executive order establishing regulations for the complete control of the travel of aliens to and from the United States. These regulations were enforced abroad by diplomatic and consular officers and in the United States by officers of the Treasury Department (customs service), of the Department of Justice, and of the Bureau of Immigration. As a part of the regulations, the joint order, which had proved so effective as an emergency measure, was continued in force.

In the way above described there was established a system for the control of the travel of aliens more complete and more effective than any which had ever been put in operation by the United States Government. It made possible an at least fairly complete inquiry with regard to the character and antecedents of every alien who was seeking to come to this country, as well as the discovery, usually in most minute detail, of his purposes in coming. It is not meant by this that the system was perfect; like all human institutions, doubtless, it failed in certain instances, or perhaps in certain respects, to accomplish the objects in view, but all of the circumstances considered, it was a most excellent arrangement for the purpose for which it was devised.

Incidentally, but nevertheless in very valuable and rather extensive ways, this visé-of-passports system placed upon immigration to the United States a safeguard which, simply from the point of view of the adequate protection of the country against undesirable or undue immigration at a time when economic and other conditions were disturbed, was of most distinct value. Observing this, and having in mind also the experience of the bureau in the enforcement of the Chinese-exclusion laws, in connection with which officers specially trained in the enforcement of those laws were a number of years ago placed in the principal consulates in the Orient, the bureau has become satisfied that to a considerable extent the immigration laws would be valuably supplemented in times of peace if a system modeled on the one above described, with or without the use of passports, could be permanently adopted. The bureau does not mean by this that the enforcement of the immigration laws could, by any means, be transferred from the ports of this country to the places in foreign countries whence aliens come, or even to the seaports of foreign countries at which they embark when emigrating to the United States. There are certain difficulties, which seem to the bureau insuperable, in the way of so complete a change of practice. But if trained immigration officers were attached to American consulates, to act as advisers with respect to questions raised by prospective immigrants, and as advisers to the consular officials who visé passports, also to perform such other functions as may be required in any plan of immigration control that is evolved, it is believed that the results would be most beneficial. Aliens in every respect eligible and desirable would in this way be fully informed of the laws and regulations; but those inadmissible for any reason and even those likely to be rejected on arrival at United States ports would either be discouraged from coming or would at least be put upon notice and could then have no one to blame but themselves for the hardship that might result from their being rejected on arrival at this side.

Of course, the situation with respect to the Chinese-exclusion laws is somewhat different from that with regard to the immigration laws. Under the former statutes members of the exempt classes must hold certificates issued by designated officials of their own governments and approved by American consular officers; and the system, above alluded to, which was put into operation some time ago at the more important consulates in the Orient contemplates that the experts upon the Chinese-exclusion laws shall make investigations and report to the consulates with regard to every applicant for visé of a certificate. As the immigration law does not require that immigrants generally shall hold certificates of any kind, and as the approval of passports by consular officials depends upon considerations quite different from those affecting the approval of Chinese certificates, immigration officers attached to the consulates probably could not go nearly so far toward actually enforcing the law as the officials attached to the consulates in the Orient now do. But they could accomplish a great deal toward discouraging undesirable immigration as well as giving authoritative information to persons clearly and beyond a doubt of desirable type.

The matter of having representatives of the Immigration Service permanently stationed at consular offices and elsewhere in foreign countries has been frequently discussed, but not until the excellent results of the passport-visé system appeared, were the advantages of the proposal so clearly established.

The bureau is not advocating the permanent retention of the visé system as maintained during the war, but does strongly favor the continuance, as an immigration measure, of the principle involved, with or without the use of passports. It can be used not only as a means to aid in the regulation of immigration, but in gathering and giving information which will be beneficial in administering the immigration laws. Much of the misunderstanding arising in the enforcement of our laws results from lack of information of their requirements. The bureau is satisfied that there is in the system now in operation the germ of a new extension of the Immigration Service, whose officers, acting either under the State Department's officials abroad or in a separate capacity as representatives of this department, but always cooperating fully with the former, will furnish an element that will help to complete its machinery of administration.

Immigration is a world question, but for each nation it has a domestic application. In order that such application may be intelligently made, world-wide information, not at intervals but constantly, has long been a necessity, and is now more so than ever before.

The bureau is engaged in a study of the question and it hopes to submit to the department for its consideration a plan for the operation of the proposed system.

The CHAIRMAN. Now, Mr. Moore, so that I may have this matter entirely right. My understanding is that prior to the war there was no system of viséing foreign passports.

Mr. MOORE. No, sir.

The CHAIRMAN. Was the alien required, prior to the war, to secure a passport from the country to which he owed allegiance?

Mr. MOORE. No, sir.

The CHAIRMAN. Was he required to visit any of the missions or consulates and secure permission in any form?

Mr. MOORE. Not that I know of.

Mr. ACKERMAN. Mr. Chairman, may I ask one question? I am sorry to interrupt.

The CHAIRMAN. That is all right; I want you to do so.

Mr. ACKERMAN. Mr. Moore, was not that the case with reference to Russia? Did they not have to have a passport to get out of Russia?

Mr. MOORE. Before the war?

Mr. ACKERMAN. Before the war, I am speaking of.

Mr. MOORE. No, sir.

Mr. SABATH. They could not get any passport in Russia, and that is the reason there was no legislation, because there were some consulates that would not issue passports to anyone that might desire to leave that country.

The CHAIRMAN. Yes; that is another question we have got to meet here. That is a point that I have often thought about, and wondered if there was not some way we could correct it. Under the system before the war the alien took his chances of being admitted to the United States. Now, we will assume that he was a farmer and that he had a little farm and a family—he was a desirable citizen. He would sell his farm and start for America, with his family, at the risk of being excluded when he got here. The effect of such a system is to encourage the immigration of the reckless and those who have no property and to discourage the immigration to this country of those whom we desired.

Now, I am hoping that out of this visé system, which is so strongly recommended by the Department of Labor and by the Bureau of Immigration, we may be able to work out a system whereby a desirable immigrant can go to some American official and ascertain with some degree of certainty whether or not he can be admitted to the United States, so as not to subject him to that tremendous risk of being rejected. That is the point that I have in mind. I believe you agree with me about that.

Mr. MOORE. I certainly do. It is the right way of doing things. It is obviously a ridiculous thing, purely from a common-sense point of view, to allow an alien to come to this country when he can only get as far as Ellis Island and then must be sent right back again.

Mr. SMITH of Illinois. He can get that same information now if he inquires for it.

Mr. MOORE. He can; and since the war he has been to a large extent getting it.

The CHAIRMAN. Yes; but I am trying to disregard war conditions as far as we can, because we are going back again to peace conditions, and unless there is some legislation on this subject the condition of affairs in two or three years from now will be identically that which we had in the prewar period.

Mr. MOORE. Absolutely.

Mr. NEWTON. Do you not think that the authorities in our consular offices ought to have, where they find out that a man has a loathsome disease, the power, not to rely upon the steamship companies, but to then and there refuse a visé; or if they find that a man is illiterate and therefore can not pass the immigration tests at Ellis Island, to then and there refuse him a visé?

Mr. MOORE. You at once, then, trespass upon the prerogatives of the Department of Labor. The question of illiteracy is one which any man can decide. You take a loathsome disease; let us assume that it is consumption in a mild form which an immigrant has; do you expect a consul to be a doctor?

Mr. NEWTON. I do not think he ought to take contagious diseases over.

Mr. MOORE. There are many men wandering around the United States who have contagious diseases.

Mr. SABATH. If you will pardon me, trachoma is very hard to detect.

Mr. MOORE. Yes.

Mr. SABATH. It takes an expert to detect trachoma, and even on close inspection and examination there may be two or three officials who believe that the man is not suffering from that disease, but finally the fourth man, on very close inspection, may find some condition which he calls trachoma.

Mr. ROGERS. I rather think that Mr. Newton and I have the same idea. I take it that we should agree that it was not practicable, as a detail of the consular officer, for our American consul abroad to be an expert in immigration matters.

What I am complaining about, however, if I understood your answer some time ago correctly, is that if a consul knows that a prospective immigrant is clearly excludable under the immigration laws, he nevertheless has not the right to withhold the visé.

Mr. MOORE. That is true, sir.

Mr. ROGERS. That seems to me the worst kind of red tape and bureaucracy, and if you say that it is left to the steamship officers or to the immigration officers at Ellis Island, it seems to me that is not an answer. It seems to me that we want to nail this man the first time he shows his head, and not the second or the third or the fourth time. Otherwise, we may miss him one of those times. Let the consul exclude, if it is a clear case for exclusion; but, coupled with that, let us have the right of appeal somewhere so that the consul would not be exercising his discretion wrongfully or arbitrarily. Let there be a review.

Mr. SABATH. I fully agree with you.

The CHAIRMAN. Would it not be practicable to provide by statute for an appeal for an alien, who had been denied the visé of a passport, to the nearest legation or the nearest embassy, or to the consul general? A man, it seems to me, should have some right of appeal to some authority higher than the consul or vice consul.

Mr. MOORE. It would be practicable; yes, sir.

The CHAIRMAN. Would you approve of it? I do not mean this to be binding on you, but I mean just generally.

Mr. MOORE. I think, under the visa system proposed to be carried out, that consuls, thoroughly familiar with the immigration laws, men who are well picked for their duties, should to a very large extent, settle the question of granting or refusal of a visé. It seems to me it would involve any amount of controversy if there was an appeal.

After all, an alien is asking the privilege of coming to this country. The United States Government has the right to refuse or accept him, as it chooses. It is not a right the alien is demanding.

The CHAIRMAN. Certainly.

Mr. MOORE. He is asking a favor. The Government has a right to say: "We will not grant that favor." There is no right on the part of the man to be accepted by the United States, and there is no compulsion.

Mr. CONNALLY. Along the line of what Mr. Rogers said a moment ago about the necessity of a consul to visé a passport although he might know that the man was subject to exclusion on account of disease, we will say that he can not refuse to visé.

Mr. MOORE. Yes.

Mr. CONNALLY. You say he has no discretion in that?

Mr. MOORE. That is true.

Mr. CONNALLY. Is that by reason of the language of this act with regard to passport control, limiting it to anarchists and to enemy aliens, and persons of that kind?

Mr. MOORE. That is the idea.

Mr. ROGERS. But there is nothing in the passport-control act, so far as I know——

Mr. MOORE. Yes, sir; there is.

Mr. ROGERS. Can you cite us the authority on that?

Mr. MOORE. Yes, sir.

Mr. CONNALLY. That is what I am getting at.

The CHAIRMAN. I wonder if you will allow me to interrupt. Here is my idea of the situation, that the viséing of the passport is purely a creature of the war, and the authority of the consul is limited to the authority granted by the war measures, and there is nothing in the war measures which authorizes a consul to exclude an alien on account of disease. He is only authorized to exclude him on account of his political views. Am I correct in that?

Mr. MOORE. You are quite correct.

Mr. ROGERS. If I may reply, Mr. Chairman, is it not a question of what the law says, and not the motive behind the law?

The CHAIRMAN. Yes; of course. I believe I was correctly quoting the law.

Mr. MASON. The chairman's position is, if I may suggest, that we are now making legislation that will be effective when the war measures cease to be in effect, and as a matter of fact the consul has no authority to visé at all for aliens seeking to come in here after the passport-control act goes out of existence.

Mr. ROGERS. I remember when the Secretary of State was here on this passport-control act some one asked him the question whether the law did not permit him to exclude immigrants at any port of the United States, and he said that it did, and then a further question was asked him as to whether he proposed to apply the law in that way, and he said, "Of course I do not." But it was understood by the department at that time, and it was certainly the understanding of this committee, that the Secretary of State would enforce the passport-control act so as to keep out every blessed man that tried to come to the United States.

Mr. CONNALLY. In certain cases. That is, if he was an enemy alien or of suspicious character.

Mr. SMITH of Illinois. May I interrogate Mr. Rogers for a moment?

The CHAIRMAN. Yes.

Mr. SMITH of Illinois. I want to see if I understand what we are trying to do, and then interrogate you, if I understand correctly.

It is the purpose of this committee to enact a law to make viséing necessary before aliens can enter the United States. That is what we are starting out to do; and to raise revenue from the viséing of passports of people coming to the United States.

The CHAIRMAN. This bill simply increases the charges for viséing passports.

Mr. SMITH of Illinois. Are you going to start out to make it absolutely necessary for an alien, when he wants to come to the United States, to go to an American consul and have his passport visé'd?

Mr. ROGERS. That is the law now—will be until March 4, 1921.

Mr. SMITH of Illinois. Are you going to make that permanent law?

Mr. ROGERS. There is no proposal to do it in this bill which is before the committee.

The CHAIRMAN. You have opened up the question that I intended interrogating the witness about.

Mr. SMITH of Illinois. It seems to me that is the first thing that we ought to do; and then I would be opposed, for one of this committee, to placing the discretion in the hands of the consul to say whether or not he should enter the United States. I think he ought to have the information, and I think we ought to have the information go to the proposed citizen of the United States, or to him who seeks to come over here for whatever purpose, as to what is the law of the United States to permit him to enter here; and then I would be opposed to having an appeal, if you place it in the consul or some higher court, because it would be simply politics over again. They would have the State Department in a turmoil here all the time.

But when you come to place in the hands of any one consul or vice consul the power to say whether a man shall enter the United States or not, whether he is desired or is not, whether he is qualified or not qualified, I think the United States assumes this burden of acquainting the foreign citizen with what the law is, and then the citizen of another country coming over here ought to assume the responsibility of inquiring, when he takes the chance of coming here,

whether he will be able to enter the United States. That is my standpoint, as a layman and not as a lawyer.

The CHAIRMAN. Mr. Smith has unintentionally raised the question that I intended to interrogate the witness upon, and which I view as very important.

Mr. SMITH of Illinois. Not unintentionally, but with full intent.

The CHAIRMAN. I mean unintentionally so far as my intention was concerned.

Suppose that we require the viséing of passports; how are we to take care of those desirable immigrants whose home countries refuse to give them passports? There are several foreign countries which, before the war, refused to give passports to their citizens who desired to emigrate to the United States.

Mr. MOORE. The question is one that it seems to me can not be very well answered in this way. If one of the foreign countries refuses to allow one of its citizens to leave the country because of a request on the part of the United States, the United States is hardly in a position to enforce such a request.

The CHAIRMAN. That is not the point. Suppose a citizen of Russia desires to emigrate to the United States, and he measures up to the full standard of our immigration laws, and therefore a desirable citizen; the Russian Government will refuse him a passport?

Mr. MOORE. Yes.

The CHAIRMAN. Therefore he can not go to the American consul and have him visé his passport, because he has no passport; and therefore he can not come into this country.

Mr. MOORE. Yes, sir.

The CHAIRMAN. That is the difficulty that confronts us, so far as making the viséing of passports permanent. But it seems to me that there ought to be some way by which we can overcome that difficulty, probably by provision that where the home country refuses a passport, notwithstanding that, the American consul shall have the right to investigate one who desires to come to this country and give him some kind of a credential which will serve the purpose.

Mr. NEWTON. That is, where a foreign country has a general policy of not issuing passports.

The CHAIRMAN. Yes. May I inquire about this, Mr. Carr? I know that Russia refuses passports. We have many Germans in this country who were deserters from the German Army. Of course, they did not get passports. They were not given passports.

Mr. CARR. Turkey used to refuse.

The CHAIRMAN. How about Italy?

Mr. CARR. I do not know that they have ever refused. I think Italy has been pretty generous about that thing.

The CHAIRMAN. Then, perhaps, it is not so troublesome.

Mr. CARR. There is a troublesome phase of that matter, however, that it would be well to bear in mind, and that is, we must keep in mind the fact that the consul is located in the foreign country by virtue of the consent of that country. Now, if you put upon him a duty which will cause him to do things that will make him persona not grata——

Mr. SMITH of Illinois. Or that will be in conflict with the Government's ideas.

Mr. CARR. Or in conflict with the Government's ideas, you are going to make it impossible for the consul to function, because he will be, on some ground, invited to leave. So that you have to be careful how we increase here the functions of the consul in so far as the exercise of them would place him in conflict with what the foreign Government thinks wise.

The CHAIRMAN. Do you think that any foreign country would take that action against a consul if he merely took the applications that voluntarily came to him with respect to the question of immigration?

Mr. CARR. If he undertook, for instance, to facilitate the entry into this country, or rather the passage out of the other country into this country, of a person who could not get a passport, who was denied a passport to come by that Government, he would almost certainly render himself persona non grata.

Mr. SMITH of Illinois. Would it not be possible in this country to enact legislation that would make it necessary for the consul to appeal before leaving and go through a certain form? Would we have that right here?

Mr. CARR. I think it would be wise to center the execution of whatever legislation you have merely in the passport. That is a perfectly well-recognized thing. Every Government has a right to visé or not, as it chooses; but when you begin to develop anything in the nature of immigration machinery on the other side, immediately you encroach upon the prerogatives of the other Government, and you may be invited to stop it, or you may invite retaliation.

Mr. NEWTON. There could not be any objection, could there, in connection with the passport, and to see whether it should be viséed, that the consul should not only test the question of desirability, but also the question as to whether the immigrant could pass the immigration tests at the port of entry? That would be merely compliance with the law.

Mr. CARR. Yes; in so far as you do not go to the extent where you require the building up of a big organization of experts. Now, if you are going to build up a big organization of medical men to help enforce these laws and to enforce our immigration laws through a visé system, then you are very likely going to throw down the visé system, ultimately.

The CHAIRMAN. The question that I have raised is of course apart from this bill, because the passport department will continue to exist until March 4, 1921; but we must meet the question, and I thought probably it would be a pretty good thing to raise it now, so that we might be thinking about it in the meantime.

Mr. SABATH. Will the chairman permit me——

The CHAIRMAN. Yes.

Mr. SABATH. In the immigration act of 1917, as in the prior immigration act, in section 29, as to the conditions that have been described by Mr. Carr, that the foreign governments objected to the establishment by our Government in their countries, of bureaus of investigation and so on, we have passed a provision authorizing the President "to call, in his discretion, an international conference to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the

Senate of the United States, the immigration of aliens to the United States," and so on.

The CHAIRMAN. Yes.

Mr. SABATH. Showing that that question has been before the Immigration Committee, and not only has it received days and weeks, but months of study and hearing on the part of the commission as well as upon the part of the committee.

I also wish to call your attention to section 9 of the immigration law, which provides a penalty of $200 upon the steamship company that would bring in "any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease," and so on. It is a broad section, and it provides a penalty of $200 for each and every offense.

Now I propose to show, Mr. Chairman, that this is an important question, and the Immigration Committee has been having hearings; and I think it will be duplicating work, and some of the gentlemen are opposed to duplicating work; and I know I think it will be also resented on the part of the Immigration Committee, because that is the only duty that committee has, to deal with the immigration question, and regulating the immigration law.

Mr. NEWTON. Are you speaking against considering this bill or taking up the permanent passport question?

Mr. SABATH. No, I believe that this committee has the jurisdiction as to passports, and I fully agree with what has been stated by the chairman as well as by Mr. Rogers, because for 10 years I have insisted that we should give closer inspection to immigrants on the other side, to safeguard them from annoyance and the trouble of coming here after disposing of all they have on the other side, and on arriving here with their families then being rejected and sent back. I believe there should be a closer and more careful inspection or investigation on the other side, and that I believe must be done by the Immigration Department.

As to the viséing, I think it was a wise thing to do for the administration during the war, and I think we ought to secure a large enough or increased revenue from the issuing and viséing of passports so as to be able to enlarge this department so that we can properly safeguard our country, as well as these unfortunate aliens who start out for the United States.

The CHAIRMAN. Will you yield for a question there?

Mr. SABATH. Yes, sir.

The CHAIRMAN. I want to ask you about the act of 1917. I think you said it provides for the appointment of a commission by the President?

Mr. SABATH. Yes, sir.

The CHAIRMAN. Did the President ever appoint that commission?

Mr. SABATH. I do not know whether he succeeded in getting the other nations to appoint a commission on this subject.

The CHAIRMAN. That is the difficulty with remedies of that sort. They sound well on paper, but they never bring any actual results.

Mr. MASON. Mr. Chairman, do you expect to go on this afternoon with this hearing?

The CHAIRMAN. That is entirely for the committee to say. I wanted to ask Mr. Sabath another question.

The penalty imposed on the steamship company is a remedy, so far as we are concerned. It may not be a complete remedy. But it is extremely unfair to the desirable immigrant who has left home and country and kin folks and traveled across the Atlantic Ocean, to find out only when he arrives in America whether he can be admitted to the United States.

Mr. SABATH. I fully agree with you, and I have introduced a measure on that, and for the last 12 years I have been trying to save these unfortunate people that trouble and expense and annoyance.

The CHAIRMAN. Is there anything more that we need of Mr. Moore?

Mr. SABATH. I know of nothing, with this exception, that if he has jurisdiction now, I believe with Mr. Rogers, that an appeal should be permitted; and in addition to that, I think it would be to the best interests of these people as well as our Government, where consular officers know that men can not possibly be permitted to enter the United States, to refuse the visé. I think the visé should not be given to such men.

Mr. ROGERS. That would be attended to by regulation.

Mr. CARR. May I make a suggestion which I believe will clear the matter before the committee? The regulations, of course, for the execution of whatever visé law you pass, like the regulations which are in effect to-day based upon the laws which you have already passed, will be issued by the President. They will be framed by the State Department and issued by the President. The natural operation of those regulations will be something like this, that the consuls themselves at the particular ports will execute the laws according to their best judgment. Wherever a prospective immigrant is not satisfied with the consul's interpretation of the law and regulations, he will always have a right to come, through a representative of his own country—that is to say, his own foreign office—let us be specific and say Havre, for instance; he might conceivably go to the mayor of Havre or any other public man that he knows there and get a rehearing before the consul.

But suppose that does not bring the result which he desires. If he wishes to go through the authorities of his own country and on through the foreign office to the embassy, he always has that right.

Mr. MASON. That embassy will make representations to our Government?

Mr. CARR. To our embassy or to the consul general in the capital.

Mr. MASON. So that, is not there practically an appeal there now?

Mr. CARR. There is practically an appeal now; about all the appeal which I think you will feel it feasible to supply.

The CHAIRMAN. The point raised by Mr. Rogers in regard to the power of a consul to visé a passport of a dependent or a person suffering from disease that is perfectly apparent to the consul, is due to a lack of law on the subject. We are operating under the war legislation, which only attempted to exclude those who were undesirable for political reasons.

Now, when we take up hereafter the question of making the viséing system permanent, we can take the present act and add to it a provision authorizing consuls to exclude those who are dependents or are suffering from disease. That is the only remedy I see for that.

Mr. CARR. You may go further than that, Mr. Chairman. Conceivably, you can make it obligatory upon a consular officer not to visé a passport in conflict with any law of the United States.

Mr. MASON. Yes.

The CHAIRMAN. That is a good suggestion.

Mr. CARR. Therefore, if your immigration law obviously excludes a certain person because of something known to the consul, the consul then is obliged, under such a provision as that, to refuse a visé. He can not help himself. He has no option. And, in such a way as that, you would avoid legislating here openly in favor of setting up a certain kind of immigration machinery on the other side.

The CHAIRMAN. You would be setting it up.

Mr. CARR. You would be setting it up, but not doing it in an offensive way.

Mr. MOORE. May I add just a word to that, by saying that the machinery you are speaking of is already in operation, silently and very quietly. The consul, if he thinks an immigrant would be excluded from the United States and has reason to think there are grounds for exclusion, has the right to write on the man's passport or application, "The applicant informed that he is liable to be excluded." The steamship companies at the present time are reluctant to take on board or sell a ticket to a man with that notation on his passport.

The CHAIRMAN. Yes; but that is more or less of a makeshift, and what we desire is something permanent.

Mr. MOORE. Yes, of course; but the machinery is working. It may rattle a little, or it may be silently working, but it is working. The steamship companies may refuse to sell a man a ticket, because the steamship company will, if he is excluded, have to take him back.

Mr. ROGERS. Mr. Chairman, before we finish let me read from the testimony of Secretary Lansing on this very bill, which is the basis for the visé. I read from page — of the hearing:

> The CHAIRMAN. Of course, this law would give you the power to choke immigration off completely, if you chose to exercise it.
>
> Secretary LANSING. Of course, that is the very matter that I wanted to point out, that that is a matter for Congress and not a matter for the Department of State, and we should adopt very closely the immigration rules, I think.

Now, the immigration rules, of course, require the exclusion of a man who is suffering from disease.

Mr. MASON. Maj. Moore has explained how they are doing it.

The CHAIRMAN. But we did not authorize them to do it.

Mr. ROGERS. We ratified the law proposed by the Department of State, and I think at the time Mr. Lansing was testifying, he may have been wrong in his interpretation of the law, but that is what he thought it was and that is what the committee thought it was.

You think it is perfectly clear now that under the visé control law there is no power in the State Department to authorize its consul to withhold a passport on the ground of a loathsome disease?

The CHAIRMAN. Yes; or on the ground of dependency.

Mr. ROGERS. Yes.

(Thereupon, at 12.20 o'clock p. m., the committee adjourned until to-morrow, Thursday, February 5, 1920, at 10.30 o'clock a. m.)

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Saturday, February 7, 1920.

The committee met at 10 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

The CHAIRMAN. The committee will be in order. Gentlemen of the committee, the Senate on yesterday reported out the diplomatic and consular appropriation bill which practically adopts the bill which I introduced relating to the fees for passports and for viséing of foreign passports. I do not see any difference between the two bills except that the Senate bill raises the fee for viséing to $9. My bill calls for $4. However, we should go on and take further testimony so as to complete the record of these hearings. We have not gone into the question of passports to any considerable extent.

Mr. CONNALLY. Does it contain section 3 as we have it?

The CHAIRMAN. It contains sections 2 and 3 as I intended to amend the latter, by striking out the discretionary power of the President, and naming certain countries. It will have to be corrected by the addition of two or three countries. Sections 2 and 3 of my bill are identical with the language in the Lodge bill, except for the changing of the amount of the fees.

Mr. TEMPLE. The Lodge bill provides that the passport fees shall be $10 and $1, the same as $10 and $1?

Mr. SABATH. The Senator has seen a chance to inflict additional hardships upon anyone coming over, and he has grasped it, as usual. It is not done for the purpose of viséing, or what we started to do, but his is for the purpose of restricting immigration, so that is clear; because I know the Senator.

Mr. STEDMAN. He says it is for revenue.

Mr. SABATH. I do not care what he says. I know what it is for.

Mr. BEGG. If any man who comes over to America can not pay $9, he ought to stay out.

You do not know what those people have suffered.

The CHAIRMAN. The language of sections 1 and 2, as I said, is identical, with the exception of the viséing fee, which is raised in the Senate bill from $4 to $9.

Section 3 reads as follows:

> From and after the passage of this act it shall, except as otherwise provided by the President and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen or person owing allegiance to or entitled to the protection of the United States or a person who has declared his intention to become a citizen of the United States to depart from the United States unless he bears a valid passport.

Mr. CONNALLY. There is no penalty, is there?

The CHAIRMAN. No. We had probably better finish taking testimony to-day.

Mr. Welsh is here to be heard.

STATEMENT OF MR. CHARLES B. WELSH, ACTING CHIEF OF THE DIVISION OF PASSPORT CONTROL, STATE DEPARTMENT.

The CHAIRMAN. What position do you hold, Mr. Welsh?

Mr. WELSH. I am at present Acting Chief of the Division of Passport Control.

The CHAIRMAN. How long have you held that position?

Mr. WELSH. Since the 1st of September last.

The CHAIRMAN. How long have you been connected with the passport service?

Mr. WELSH. Approximately since 1915. In the department, do mean—service in the department?

The CHAIRMAN. No; in the passport service How long have you been in the service of the department?

Mr. WELSH. Since 1900.

The CHAIRMAN. Will you state the proceedings necessary to secure a passport?

Mr. WELSH. A person outside of Washington, with the exception of New York and San Francisco, must go before a clerk of a Federal court or State court authorized under the statutes to naturalize aliens, and execute a passport application. He submits with his application evidence of his American citizenship. If he was born in the United States, he submits a birth certificate or affidavits of two persons who have a knowledge that he was born in the United States. If he is a foreign-born citizen, he submits his naturalization certificate. That, with two photographs, the application, and a fee of $1, goes to the State Department, where it is examined, and if found in proper form and the evidence is sufficient, the passport is issued and mailed to the applicant.

In San Francisco, New York, and Washington the application must be executed before—well, in Washington it is in the department itself and in San Francisco and New York, before the department's agents at those places. The clerks of courts there are not authorized to take applications.

Mr. ROGERS. Is there a further proviso that where there is a Federal court in a given city, the applicant must go before that court even though there is another court that would be authorized to issue the passport?

Mr. WELSH. If there is a Federal court in the city, the applicant must go before the Federal court.

Mr. ACKERMAN. You require two photographs?

Mr. WELSH. Two photographs; yes, sir. One is the permanent record of the department, and the other photograph is attached to the passport and is returned, of course, to the man with the passport.

Mr. MASON. Take a State like Illinois, in towns where there are no Federal courts sitting—of course every town is in some Federal district, but taking those that are distant from the city of Chicago, for instance, where the Federal judges live—do they have to go to Chicago?

Mr. WELSH. The applicant must execute his application before the clerk of the court in the jurisdiction in which he resides. The theory is that the applicant is better known to the clerk in the city in which he resides.

Mr. BEGG. How long has that been required?

Mr. WELSH. Since 1917.

Mr. BEGG. Prior to that time they could go before a notary public?

Mr. WELSH. Before a notary public.

Mr. BEGG. And make their application?

Mr. WELSH. Yes, sir.

Mr. BEGG. That is what I thought.

Mr. ROGERS. Prior to 1917 was there a fixed application fee in addition to the $1 application fee?

Mr. WELSH. No. There was the notary public fee.

Mr. ROGERS. If the notary public was content to do it for nothing, the passport cost the applicant only $1?

Mr. WELSH. That is probably the situation.

Mr. ROGERS. Of course if he went before a court, even before 1917, as he very often did, I suppose, it would cost him whatever the court fees amounted to; is that so?

Mr. WELSH. Yes; that is true.

Mr. ROGERS. But since 1917 there is no way of scaling it down below $2, I believe?

Mr. WELSH. There is no way of scaling it down below $1 for a passport, and no way of scaling it down, after June, 1917, on the application fee.

Mr. ROGERS. Why is any exception made for New York and San Francisco about the Federal court?

Mr. WELSH. I would say, primarily, accommodation. New York is the largest place and there is more business through there. We found more or less confusion, so to facilitate travel as far as possible we established an office there, and I think it has worked out to help people.

Mr. CONNALLY. Out of the $2, only $1 goes to the Treasury?

Mr. WELSH. No, sir; both dollars go into the Treasury provided the applicant does not enter his application before a State court; in which case I believe it goes to the State Treasury. Otherwise, it goes to the Treasury of the United States, $1 through the Department of Justice and $1 through the State Department. Few applications, as a matter of fact, are executed before State courts.

Mr. CONNALLY. But when they send the passport here they send only $1?

Mr. WELSH. Yes; $1, but if the application is executed here in Washington or before our agents at San Francisco or New York we get both dollars.

Mr. MASON. United States commissioners do something in regard to passports. What is that; do they just take the affidavit?

Mr. WELSH. They might execute an affidavit accompanying an application, but they have no authority to execute the application itself.

Mr. MASON. No; that goes to the clerk's office.

Mr. WELSH. A notary public may execute an affidavit to accompany the application?

Mr. MASON. Yes.

The CHAIRMAN. Under the rules and regulations, do you require a passport from everyone who departs from the United States?

Mr. WELSH. No, sir.

The CHAIRMAN. What countries are excepted?

Mr. WELSH. At the present time, Mexico, to a certain extent, Canada, and Bermuda. I believe that is about all.

Mr. ROGERS. Haiti?

Mr. WELSH. No, that is not excepted.

Mr. TEMPLE. Mr. Welsh, does that depend on any action by the foreign Government into whose jurisdiction the traveler proposes to go, or is it wholly a matter of our own regulation?

Mr. WELSH. At the present time it is our own regulation. That is under the act of May 22, 1918, every person leaving the United States must have a passport. Exceptions may be made. Under the regulations drawn up under the act of May 22, 1918, Canada was excepted.

Mr. TEMPLE. Those regulations took into consideration the laws of the countries to which the traveler proposes to go, I presume?

Mr. WELSH. Not necessarily. As a matter of fact, if we had no way of compelling the citizen to take a passport he would have to take a passport to go to another country.

Mr. TEMPLE. If the other country required a passport. No regulation of this country could exempt the citizen of this country from the regulations of other countries?

Mr. WELSH. No, sir; although to a certain extent——

Mr. ROGERS. You say to a certain extent.

Mr. WELSH. That means that we issue a border permit, to facilitate necessary travel along the border of Mexico. You know, in some places the international boundary line runs right in the middle of a town, and it would be out of the question to require a man to use a passport to go back and forth across the street.

Mr. ROGERS. But in ordinary cases a man must have a passport to go to Mexico?

Mr. WELSH. Yes, sir; for the interior.

Mr. CONNALLY. Is that under the war act of 1918?

Mr. WELSH. The regulations were drawn up as to Mexican border permits under the act of May 22, 1918. That is handled under the regulations under that act.

Mr. CONNALLY. But that act is an emergency measure and comes to an end soon?

Mr. WELSH. At the conclusion of the war, is my understanding.

Mr. MOORES. A man can go to Newfoundland without a passport?

Mr. WELSH. Yes, sir.

Mr. MOORES. And also to Jamaica?

Mr. WELSH. No, sir.

Mr. ACKERMAN. Do you have to have a passport to go to the Canal Zone?

Mr. WELSH. No, sir.

Mr. ACKERMAN. That is not necessary?

Mr. WELSH. That is United States territory. That is, provided you are going directly through and not stopping at any other country.

The CHAIRMAN. Prior to the war, about all the evidence required for obtaining a passport was evidence of American citizenship?

Mr. WELSH. As a matter of fact, Mr. Chairman, they did not even require that. A man simply made an application and stated that he was born in the United States and was an American citizen, and the passport was issued. No evidence was required.

The CHAIRMAN. Was there evidence required in the case of a naturalized citizen?

Mr. WELSH. Yes, sir; a man born outside of the United States was always required to submit his naturalization papers.

The CHAIRMAN. You spoke to me this morning in regard to a certain class of persons mentioned in this bill, known as declarants, and suggested that possibly we should strike that out, I wish you would state your views on that matter to the committee.

Mr. WELSH. What I had in mind, Mr. Chairman, was the provision in the third section of the bill which provides that it shall be unlawful for any citizen or person owing allegiance to or entitled to protection of the United States, or a person who has declared his intention to become a citizen of the United States, to depart from the United States unless he bears a valid transport. A declarant, of course, is not a citizen; and a declarant, up until the period of his actual naturalization, truly has the right to say whether it is his desire and intention to complete his naturalization.

If we compel a declarant, merely because he is a declarant, to get a passport, we might to a certain extent place ourselves in the position of telling a citizen or subject of some other country that he must get a passport in this country and pay $10 for it, when it is not his intention to become a citizen. He may, for instance, be a British subject, and he may reside here, and he may have declared his intention, but he probably has made up his mind not to become an American citizen, and he wants to return to Great Britain. I think in those classes of cases some complications might arise.

On the other hand, if a declarant wants to leave the United States and wants to get a passport, he will have to pay the required fee. I doubt the wisdom of requiring declarants to get passports.

Mr. SABATH. That applies to the fee in section 3, you remember.

Mr. WELSH. Section 1 requires the fee, section 3 makes it compulsory to get a passport. It should be optional with him to get a passport if he desires it.

Mr. TEMPLE. The language of section 3 that bears on that point is in the last clause of the paragraph and reads as follows: "Unless he bears a valid passport."

Mr. WELSH. Yes, sir.

Mr. TEMPLE. Could not that be interpreted, or would it not be naturally interpreted, as indicating a passport that the foreigner might get from his own governmental authorities?

We would not undertake to compel a foreigner in this country to get an American passport?

Mr. WELSH. Not unless he was a declarant under this bill.

Mr. TEMPLE. But if he had a passport from his own country, that would be a foreign passport under the langauge of this section?

Mr. WELSH. My understanding was that this act was designed for American passports and persons entitled to American passports, and that the issuance of foreign passports was not considered in connection with it.

Mr. ROGERS. Of course foreign passports are the very meat of section 2.

Mr. WELSH. Yes; that is the visé. I am speaking of American passports.

Mr. TEMPLE. The language in section 3 is "or a person who has declared his intention to become a citizen of the United States."

The CHAIRMAN. Yes.

Mr. TEMPLE. The language of the Diplomatic and Consular appropriation bill is broader. It includes a person who has resided within the territory of the United States for three years.

The CHAIRMAN. That is the law in regard to a declaration of intention.

Mr. ROGERS. May I ask you a question on this point?

Mr. WELSH. Yes, sir.

Mr. ROGERS. Is a declarant for American citizenship now entitled to an American passport?

Mr. WELSH. If he meets the requirements; if he has the necessary qualifications. One is that he shall have resided in the United States for three years; and another is that a passport shall not be good for the country from which he came.

The CHAIRMAN. Yes; but is the passport identical in language?

Mr. WELSH. No; nor in form with the American passport.

The CHAIRMAN. It shows specifically that he is not an American citizen?

Mr. WELSH. Yes, sir. I think Mr. Carr has the form.

Mr. CARR. I would like to say that I am going to suggest, when I go on the stand, a provision so as to make a definite distinction in the law.

Mr. ROGERS. It would seem to me as meeting Dr. Temple's suggestion, that so far as it related to declarants it would not be objectionable, provided the kind of instrument that they got showed exactly the situation, namely, that they were not American citizens, but that they were required to have a permit because they had resided in America and sought to leave.

Mr. LINTHICUM. How long is a passport good for when it is issued?

Mr. WELSH. It is good for six months after the date of its issuance, but it is subject to two renewals of six months each, so as to make it in effect valid for 18 months.

Mr. LINTHICUM. Would there be a fee for the renewals?

Mr. WELSH. No, sir; there is no fee for renewal.

Mr. MOORES. What arrangement is made as to American citizens by naturalization down in South America; do they travel about on passports?

Mr. WELSH. Yes, sir; if they apply and prove their right to one.

Mr. MOORES. All that I know is that I have met several of them and they told me that they had to come home once in every three years. That some regulation required it, to retain their citizenship.

Mr. SABATH. What is that?

Mr. WELSH. I think you have reference to the second paragraph of section 2 of the act of March 22, 1907, which provides that any American citizen who goes abroad and resides for a period of two years in the country from which he came, or in any other country five years, shall be presumed to have expatriated himself. That is merely a presumption raised by the statute. The man is given an opportunity to overcome the presumption. If he can overcome it, there is no reason in the world for him to return here, that I know of.

The CHAIRMAN. I would like to make a part of the record the form of the passport used for declarant and also the form used for citizens.

Mr. ROGERS. Are those the only forms in use?

Mr. WELSH. Except the form used by the governors of the Philippines and Porto Rico.

Mr. ROGERS. Where does it appear on the declarant form that it is not good in the country from which the man came?

Mr. WELSH. It appears near the bottom of the form [indicating].

(The forms referred to are here printed in full in the record, as follows:)

No. ———.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, the undersigned, Secretary of State of the United States of America, hereby request all whom it may concern to permit ——— ———, a native of ———, who has resided in the United States for three years, and has declared his intention to become a citizen of the United States, as provided by law, safely and freely to pass, and in case of need to give ——— all lawful aid and protection.

This passport is not valid in ———. It expires ———, 19—, and is not subject to renewal.

Given under my hand and the seal of the Department of State, at the city of Washington, the —— day of ———, 19—, and of the independence of the United States the one hundred and ———.

Signature of the bearer:

——— ———.

Description:
Age, ———. Years, ———.
Stature, ——— feet ——— inches, Eng.
Forehead, ———.
Eyes, ———.
Nose, ———.
Mouth, ———.
Chin, ———.
Hair, ———.
Complexion, ———.
Face, ———.

THE UNITED STATES OF AMERICA PASSPORT.

DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, the undersigned, Secretary of State of the United States of America, hereby request all whom it may concern to permit Arthur Stercy, a citizen of the United States, safely and freely to pass and in case of need to give ——— all lawful aid and protection.

This passport is valid for use only in the following countries and for objects specified, unless amended.

——— (Name of country). ——— (object of visit).

The bearer is accompanied by ——— ———.

Given under my hand and seal of the Department of State at the city of Washington, the —— day of ———, in the year ———, and of the independence of the United States the one hundred and forty-fourth.

[SEAL.] ——— ———.

Personal description:
Age, ——— years.
Height, ——— feet, ——— inches.
Forehead, ———.
Eyes, ———.
Nose, ———.
Mouth, ———.
Chin, ———.
Hair, ———.
Complexion, ———.
Face, ———.
Distinguishing marks, ———.
Place of birth, ———.
Date of birth, ———.
Occupation, ———.
[Photograph of bearer.] ——— ——— (signature of bearer).
No. 167768.

AMENDMENTS, EXTENSIONS, AND SURRENDER.

This passport is valid for a period of six months and expires August 4, 1920, unless previously renewed. It is subject to renewal for two periods of six months each.

Mr. WELSH. That is entirely a naturalization matter; but a man may declare his intention to become a citizen the day he arrives here, if he wants to. At any time after he arrives in the United States he may declare his intention to become a citizen, but the law requires that he must reside in the United States at least five years before he can become naturalized.

The CHAIRMAN. He must wait two years after filing his declaration of intention before completing his naturalization.

Mr. WELSH. Yes, sir. If a man waits five years and then makes his declaration, he must await an additional two years before he can complete his naturalization.

Mr. ROGERS. The result is that nearly everyone waits three years before filing his declaration of intention.

Mr. WELSH. It will work out in lots of ways.

Mr. ROGERS. I think that is quite true. If he does wait three years before filing his declaration, that delays him three years in getting his papers?

Mr. WELSH. No; if he waits three years and then files his declaration, he gets his naturalization papers after two years more, making just five years.

Mr. SABATH. Mr. Chairman, a great many people, within a short space of time after they land in the United States, go and file a declaration of intention.

The CHAIRMAN. It is an important matter, because it is provided in the Senate bill "any person who has resided in the United States three years and has declared his intention to become a citizen of the United States," etc. That probably is a little better language than that of the bill before us, because we use the word "declarants," which binds a man who took out his first papers 10 days after he landed in America and wanted to leave 10 days later.

Mr. CARR. Yes.

The CHAIRMAN. The language of the Senate bill is better than ours.

Mr. WELSH. To compel the declarant to get a passport under this, the point has been raised that it means either a foreign passport or an American passport. We are raising the fee under this bill to $10. A foreign passport as a general proposition is $2. I think you will find that it will very often happen that a declarant, who is, of course, still a citizen of his original country, would rather pay $2 instead of $10 and get the passport in his own country.

The CHAIRMAN. I wonder if this is an answer to your objection. There is no penalty in either of the bills before this committee or in the Senate bill. Let us take the illustration you use: An English citizen would declare his intention to become an American citizen and subsequently changed his mind and wanted to depart for England, he could go without any objection on the part of our authorities.

Mr. WELSH. Yes, sir; with a British passport.

The CHAIRMAN. And without running the risk of any penalty?

Mr. WELSH. He would go with an English passport, though.

Mr. MASON. If he applied for an English passport——

Mr. WELSH. He would go as an Englishman.

Mr. MASON. But if he applied for that would he not have to make an affidavit that he was not a declarant?

Mr. WELSH. It would depend on the British regulations.

Mr. BEGG. Supposing that this foreigner undertook to leave on his English passport, would he have to have the passport viséed?

Mr. WELSH. To leave the United States; no, sir.

Mr. BEGG. He would not?

Mr. WELSH. No, sir.

Mr. BEGG. Supposing I was an Englishman and came in here with a fake passport. If you do not visé them, how do you have any check on them?

Mr. WELSH. It would be viséed abroad by an American official.

Mr. BEGG. That is not quite the case I have in mind. Supposing that I am a citizen of a foreign country, England or any other country, and that I get hold of a fake passport and go out with that. How does the State Department of the United States treat me? Do they permit me, without any check at all, just to take John Jones's passport and go on it?

Mr. WELSH. You are supposed to have a photograph.

Mr. BEGG. Suppose that I take the photograph of John Jones off of there and put my own photograph on?

Mr. WELSH. Probably you would get by with it, but it would be very difficult.

Mr. BEGG. The point I am making is, does this Government make any check on them, or can a man just go down to the steamship office and plank down his passport, whether it is valid or not, and buy his ticket and go?

Mr. WELSH. You are opening a great field there. Any man with a British passport will not need a visé to go back to his country. An American citizen does not need verification of his American passport to come to the United States.

Mr. BEGG. I am probably very dense in placing my question before you, but I do not see where you have any check now. Suppose that I want to go to Europe, and I know John Smith, and he came over with a foreign passport, and I get it and rip his picture off of there and put mine on.

Mr. WELSH. Yes.

Mr. BEGG. If I wanted to use it as my passport, could I not do it, and do you check it in any way?

Mr. WELSH. There is a description of you on there.

Mr. BEGG. Supposing the description comes near enough so that I can fake it?

Mr. WELSH. I suppose if the description comes near enough so that you can fake it, and you are willing to take the chance, you might get through with it. They look at your photograph and passport on the dock before you go on the boat.

Mr. BEGG. Who is this man?

Mr. WELSH. The customs inspector.

Mr. ACKERMAN. And you also have on the passport a seal, which goes through the photograph and through the paper of the passport, and that would have to be taken off and counterfeited on your photograph.

Mr. WELSH. Yes; they have a clip and seal on the passport and there are three processes of attaching the photograph.

Mr. BEGG. I have never had the experience of using a passport, but that comes nearer answering my question than anything else that I have heard.

Mr. TEMPLE. If a permit is issued by any foreign office herei—that is, I mean any diplomatic representative, or in any other way—does that officer visé the foreign passport?

Mr. WELSH. Here in the United States?

Mr. TEMPLE. Yes.

Mr. WELSH. No, sir; except we visé a diplomatic passport once in a while, of a foreigner. A representative of the country to which the person is going also attaches his visé.

Mr. TEMPLE. So that the question that was asked by Mr. Begg implies a situation that does not exist?

Mr. WELSH. Possibly.

Mr. TEMPLE. When an American passport is issued to go to France, the visé required on that is the visé of a French consul in this country and not that of an American consul?

Mr. WELSH. Yes, sir.

Mr. TEMPLE. There is no provision for viséing a passport by an American consul of a man who wants to leave the United States?

Mr. WELSH. No, sir.

Mr. TEMPLE. Or by anybody in the United States?

Mr. WELSH. There are no American consuls in the United States. The only other check is when the passport is exhibited at the dock when the man goes on the boat.

The CHAIRMAN. Referring to these declarants, there is nothing in the bill before us imposing a penalty on a declarant who leaves the United States for the purpose of returning to his home country.

Mr. ROGERS. As I understand it, under the law a declarant may always withdraw his declaration by going to the appropriate court and indicating on a suitable blank that he has changed his mind and wants to withdraw his declaration.

Mr. SABATH. He does not become a citizen until he finally files his application and then is examined, and finally is favorably acted upon, and then he receives his naturalization papers.

The CHAIRMAN. Naturalization is not a long process. Unless they apply for certain papers within a certain time——

Mr. SABATH. From the time he makes his declaration he must perfect his application for naturalization within seven years or else it becomes absolutely null and void.

The CHAIRMAN. Can you give us any estimate as to the number of declarants that apply for passports under this law?

Mr. WELSH. There are very few declarants applying for passports in any event. I should say in the last three years we have not issued more than 275 declarant passports. It is hardly worth considering.

The CHAIRMAN. From a practical standpoint it is hardly worth bothering with?

Mr. WELSH. No, sir.

Mr. ROGERS. There is one class of cases that I think you may have dealt with collaterally, and I am not clear on it, and perhaps you will permit me to return to that.

Take the case of a Frenchman bearing a French passport coming into this country to reside but not to remain permanently. He wants to leave this country. I understood you to say that there was no visé requirement upon him to present himself before any officer of the United States when he seeks to leave the United States for his native country.

Mr. WELSH. So long as he has a passport, that is the situation.

Mr. ROGERS. He does not have to present himself before any officer?

Mr. WELSH. He must have a passport to get out.

Mr. ROGERS. I understand that, but he had his French passport, upon my hypothesis, and the query I have is whether United States officers anywhere have any control over his exit through the ports of the United States, or anything of that sort.

Mr. WELSH. None that I know of, except at the dock.

Mr. ROGERS. We went to France, some of us, last year, and some of us had American passports and we traveled about for several months, and then when we got out passports to return to the United States, we had to go before the prefect of police, and various other French officers, and get some sort of a sanction which permitted us to depart, and what is more, we had to pay something for it.

I wondered whether in this general measure on the outgoing travel, it is possible that we ought to cover an additional possibility, namely, exacting some sort of visé of persons who have been traveling in the United States and desire to return to their own countries. That is the practice in Europe, as I understand it, and I wondered if it should not also apply to and be comprehended within the terms of this bill.

Mr. CONNALLY. Was not that clearly war-time regulation in France?

Mr. ROGERS. That, of course, is true. Of course the whole passport system in France is purely a war-time provision.

Mr. SABATH. Did that appeal to you, going through all these rules and regulations and paying certain fees, there, before being permitted to leave the country? Did that appeal to you?

Mr. ROGERS. I do not know but what it appealed to me as much as paying $10 for a passport to leave my own country would appeal to me, as this law contemplates. I do not see any great difference.

Mr. MASON. In other words, was your thought retaliatory?

Mr. ROGERS. No; not at all; but I wondered whether there was not one matter here which we had inadvertently overlooked.

Mr. MOORE. You take the case of a Frenchman who comes to this country with a French passport. He lives in this country for a year and then decides to go back to France with his French passport.

Mr. ROGERS. Yes.

Mr. MOORE. You ask if there is any check on that Frenchman leaving this country?

Mr. ROGER. Yes.

Mr. MOORE. There is. He must go before the customs authorities and make affidavit that he has paid his income tax, and what his income tax amounts to.

Mr. ROGERS. There is no State Department requirement at all?

Mr. MOORE. None at all.

Mr. TEMPLE. That is a Treasury Department regulation you speak of and not a State Department regulation?

Mr. MOORE. It is a Treasury Department regulation.

Mr. TEMPLE. It is essentially a war-time regulation?

Mr. MOORE. It is entirely a war-time regulation.

Mr. TEMPLE. Suppose it was six months, instead of a year?

Mr. MOORE. It would be just the same.

The CHAIRMAN. I do not see any reason why we should object in this matter at all. Within three years he has a right to depart, if he has a valid passport—that is, a passport from his own country. We are not interested.

Mr. SABATH. The Senate section has changed your section, as I understand.

The CHAIRMAN. Not in that language. "Unless he bears a valid passport" is in the Senate bill.

Mr. Carr, you have a suggested amendment for section 3, or a substitute for section 3?

Mr. CARR. I have, Mr. Chairman. You will understand that when I say that in the last few days I have had to take snap judgment on this bill, and have not been able to go into an analysis of it in the minute way which appears to be necessary if we are going to place some of these provisions in statutory form. After going over the Senate amendments and your own bill, considering them from the standpoint of the regulations which are put in operation under the act of May 22, 1918, it seems to me you would accomplish what you have in mind and a considerable amount of what the Senate has in mind if paragraph 3 were changed to read as follows:

If I may read this in connection with the section 3, you will see the difference. [Reading:]

From and after the passage of this act is shall be unlawful for any person other than a seaman—

No fee is now charged for the passport issued to a seaman. Seamen are given certificates, and it will be an interminable matter and an exceedingly difficult one to require passports from every seaman leaving this country, and the fee is rather out of proportion to the income of a seaman, and would be hardly fair, so that I would suggest that amendment there—

owing allegiance to or entitled to the protection of the United States—

I would omit all reference to declarants in this paragraph, owing to the small number of them. The number is so small that it seems almost unnecessary to have a special provision for them.

Mr. ROGERS. I have reached that conclusion myself.

Mr. CARR (continuing reading:)

to depart from the United States for any foreign country except Canada, or by way of Canada to a foreign country, or to depart from the possessions of the United States for any foreign country except Panama and Canada, without a valid passport: *Provided*, That the Secretary of State is hereby authorized in his discretion to except from the operation of this section persons departing from the United States for Mexico, Cuba, Bermuda, or the Bahama Islands, or to issue to said persons certificates or other documents of identification in lieu of passports under such regulations as he may deem proper.

Now, if I may explain, I believe it is the general view that travelers to Canada should be exempt from the requirement of passports. Under some conditions the same would be true of Mexico and of Cuba, and it is now true, I believe, more or less of Bermuda and the Bahamas;

but there are some regulations for passports required of persons going to Mexico, and by that I do not mean just over the border, but going to certain disturbed parts of Mexico, which ought to be kept in force. The Government ought not to issue passports to persons going to disturbed parts of these countries, for the good of the persons, who otherwise might get into considerable trouble.

The CHAIRMAN. Your point is that we ought not to except Mexico, so that a man would have a right to a passport to that country as a matter of right.

Mr. CARR. Quite so. There ought to be retained in the Secretary of State the discretion to refuse a passport—and I think the same is true of Cuba—and at the same time give him sufficient discretion, so that he could, in the first place, suspend the provisions of this act for travel to those countries if conditions justified it, or that for the sake of revenue he might issue a travel certificate—for instance, good for a certain length of time—and be good only for those countries. That would answer the purposes of a passport, and produce a certain amount of revenue that would not be produced by the section as it appears in the Senate bill. I believe you would get a compromise between the Senate bill and the bill introduced by the chairman, which would answer both the purposes of exemption and the purpose of revenue, better than either bill accomplishes that purpose.

The CHAIRMAN. I agree with you that there must be a discretionary power left somewhere with regard to Mexico.

Mr. CONNALLY. Does your amendment provide any penalty if a man does not get any passport?

Mr. CARR. Provided he does not?

Mr. CONNALLY. Yes. You said that he was not allowed to leave without a passport. Suppose he leaves without a passport; what are you going to do about it?

Mr. MASON. He takes his chance.

Mr. CARR. That question has arisen before, and a man would be under disability, perhaps, in foreign countries.

Mr. CONNALLY. He would be under that disability only because of the fact that he did not have a passport?

Mr. CARR. Yes; we can not put him in prison if he does not take one.

Mr. CONNALLY. I am opposed absolutely myself to section 3, because I do not think that the Government ought to say to a citizen that he has got to have a passport to go anywhere; but if you want to say that it is unlawful for him to do so, say that it is unlawful; but I do not want to just say that he must not, but to put in a penalty so that he will obey.

The CHAIRMAN. What penalty would you impose?

Mr. MASON. The penalty is self-executing.

Mr. CONNALLY. He would go without that, anyway. If he goes without a passport, he runs the risk. I am opposed to the Government saying anything is criminal that is not in itself criminal. If you are going to make it penal, very well; but if not, leave it out.

Mr. MASON. I believe the penalty is self-executing; that if he goes there and if he gets in trouble, he takes his chance. If he appeals to the American consul or the American minister, they will say, "Where is your passport?" That will cost him a great deal more than $10 to get proper identification by cablegram; and of course our minister or consul would protect him after he was satisfied that he was an American citizen, and that he might have omitted the passport by mistake or ignorance, or for whatever reason. But he does pay that penalty. He is always in danger of being put to a large expense for identification. I think that is self-executing.

Mr. CONNALLY. Suppose there was not any section 3 in the bill at all, would it not be the same?

Mr. MASON. No; because he would say, "I was not required to get a passport. I have not violated any law." It puts him in a different attitude toward the Government of the United States, and the consul would say, "There is no law." But if he goes to the consul and the consul says, "I see you have violated the law. I must have some very acute and accurate identification here. I do not know whether you are an American citizen or not"——

Mr. CONNALLY. Suppose he loses his passport?

Mr. MASON. That is his misfortune. The penalty is self-executing. If he is careless and loses his passport, or loses it for any reason, he has got to travel and take his chances. If he says to the consul, "I had a passport but have lost it. I have obeyed the law," that is one thing. But if he says, "I came away without a passport and violated the law," he is in a different attitude. The penalty is that on his arrival in the United States at any port he will be asked whether he is a citizen, and asked to show his passport, and the chances are if he is not able to show his passport he will be detained there, and it will be shown at the port that he has violated the law and has not secured a passport, and he failed perhaps to pay the fee under the requirement and rule of the department; and as long as you are making it mandatory upon every citizen to have a passport before leaving the United States——

Mr. BEGG. Why do you not write the law so as to say that every class of citizen mentioned here shall be required to purchase a passport before purchasing a ticket?

Mr. SABATH. Take the opinion of myself. I, myself, agree with Mr. Connally. I do not believe in section 3.

Mr. MOORES. He has acquiesced; it is contributory negligence; he is guilty of negligence, and if he gets into trouble he must get himself out of it.

The CHAIRMAN. Mr. Mason, your amendment in regard to the kinfolks of soldiers probably should be considered in connection with this amendment of Mr. Carr.

Mr. MASON. This amendment which I have drawn reads as follows:

> No fee shall be collected for passports issued to officers and employees of the United States proceeding abroad in discharge of official duties, or for widows, children, parents, brothers, and sisters of American soldiers buried abroad, who desire to visit the graves of such soldiers.

I can see no objection to that, and it is well known that it is the desire of the War Department to have as many of the near relatives and friends consent to the dead sleeping where they are, as may be. We have that here before the committee, and many people have already signified their willingness to have their soldiers remain there.

The CHAIRMAN. I think we can settle that matter very quickly by asking if any members of the committee have any objection to it.

Mr. ROGERS. My query is whether the classes which Mr. Mason has mentioned, and the class that is already provided for in the con-

clusion of section 2, are the only two classes likely to go abroad who ought to be free from the exaction of the passport, or who ought to be free from the exaction of the rather large $10 fee for the passport? I was thinking of American citizens, for instance, who wanted to go abroad for relief work, and who wanted to go abroad as missionaries. The question is whether, if you open this thing up and at the same time make the possession of a passport obligatory, you ought not to consider pretty carefully if there are not other people of whom it would be unfair to exact a fee of this size.

Mr. MASON. You take the missionaries; they are provided for, and they get protection. They go to stay and they get a long protection. These mothers and other relatives that go to visit the graves of their sons and relatives, get short protection, and it goes practically only to one country.

Mr. ROGERS. Suppose there is a great disaster abroad, fire or flood, and the Red Cross, as in the past, marshals its forces and sends over 1,000 workers. To my mind it is rather an extreme piece of legislation to say that each one of those workers must have a passport, and must pay $10.

Mr. MASON. We can not provide for all contingencies which may arise. This contingency has already arisen. There are thousands of people who want to go over there and just see where their brave are buried, and of course there may be conditions arise where you might put some discretion in the Secretary of State; but I would like to have this amendment acted on by the committee, and then, Brother Rogers——

Mr. ROGERS. Will you read that again?

Mr. MASON (reading):

> No fee shall be collected for passports issued to officers and employees of the United States proceeding abroad in discharge of official duties, or for widows, children, parents, brothers, and sisters of American soldiers buried abroad, who desire to visit the graves of such soldiers.

Mr. BEGG. May I interrupt you a moment?

Mr. MASON. Yes, sir.

Mr. BEGG. Supposing you should put that in, and I want a passport and I say that I have a brother buried over there; how are you going to find out if I am telling the truth or not?

Mr. MASON. I think there will not be any question arise. I think it is like many other things; you can not investigate all of the facts. The department, if you looked like a man that was lying about a dead brother, might possibly want you to give some additional evidence under the rules and regulations; but I do not think there will be any trouble about that. I do not believe any of the officers of the department will have any trouble about it. There might be required the affidavits of some disinterested persons; but it is a fact easily settled, and it is a fact, too, that people are not actually likely to lie about.

Mr. MOORES. Yes. There is one thing about this amendment, and that is that every summer of the world there are thousands of poor people who can get away for a trip to Europe, women who are self-supporting, many of them, to whom $10 would be a very considerable payment. They go over there as Cook's tourists, and it is a good thing for them and a good thing for the country, and I would hate to shut out anybody who is in those circumstances.

Mr. MASON. There are many others that might suffer, but this is one class to which the passage of this law will give the expression of some comfort; people who are contemplating going to France to visit the graves or assist in the disinterment and bringing back of their friends and relatives. I have limited it to the immediate family.

Mr. MOORES. Many are able to make that tour, as I understand, sometimes for $250 or $300; and to a school teacher or some other poor person of that class, who is just able to afford that, that might be a heavy burden.

Mr. MASON. It goes to our Government, and she gets her Government protection. I am going to vote for the bill because I do not think that the fee is too large, but I think when we can throw so small a thing as this to those who are suffering the most, the parents whose children are buried there and who have almost no hope of getting them back, the very passage of the act itself will have a pleasing effect. It is a sort of a badge of honor to be given this privilege by the Government.

Mr. LINTHICUM. While you are considering that section, Mr. Chairman, at the present time, when a passport to visit England or France is issued to a husband and he takes his wife with him, there is no passport issued to her whatever?

Mr. CARR. No; that passport issued to the husband embraces both husband and wife. They can not be compelled to have separate passports.

Mr. WELSH. A husband and wife may travel on the same passport. They could have separate passports if they wanted separate passports.

Mr. BEGG. If the wife went into Italy, she would have to have a separate passport?

Mr. WELSH. No; not if she accompanied her husband.

Mr. BEGG. They have had it changed, then, because last summer there were certain countries——

Mr. WELSH. Practically all the countries have done away with the requirement of separate passports over there.

Mr. BEGG. Minor children may also be included in the passports of parents?

Mr. WELSH. Yes, sir.

The CHAIRMAN. Have you anything else, Mr. Carr?

Mr. CARR. Yes, sir. On page 1, lines 11 and 12 of the passport bill, I would like to suggest an amendment.

Mr. LINTHICUM. That is the bill H. R. 12211?

Mr. CARR. Yes, sir; namely, to make it read:

> *Provided*, That no fee shall be collected for passports issued to officers and employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families accompanying them, and that this section shall not be applicable to seamen.

The first part of that is merely a precautionary provision, since this applies to all diplomatic and consular officers, and the second part is to take care of the exemption of seamen in the provisions of the act.

Mr. ACKERMAN. You mean seamen that are officially employed on the vessels on which they are sailing? You would not make that include seamen who are going as passengers?

Mr. CARR. No; I mean seamen sailing on vessels, who are signed on.

Mr. ACKERMAN. Connected with the ship?

Mr. CARR. Yes.

Mr. ROGERS. It seems to me that both in sections 1 and 2 the separation of the fee into two parts may be unnecessary and may be ignored. For example, why is it desirable to have a fee of $1 for each application plus $10 for each passport in one case, and a fee of $1 for the application and $4 for the visé in the other case, instead of lumping the two.

The CHAIRMAN. If you will permit me, Mr. Carr: That is because the fee of $1 is required for the application, and there are cases where the passport will be refused or where the party subsequently fails to take it out?

Mr. CARR. The question arose, Mr. Chairman, when this bill was first under consideration, as to whether the department should advocate a more or less equal division of the fee between applications and passports, we will say, on the ground that there was a great deal more work to be done in handling applications than there was in issuing passports; but we came to the conclusion that it was probably unwise to do that, because, after all, the applicant does not consider that he has had any service at all in the examination of his application. It is not until he gets the passport that he feels he has had any real service; so that we thought it wise to keep the cost of the application very low and to throw the stress on the fee for the passport.

Mr. MASON. I think that is wise. Let the expense fall on the fellow who is going to get the benefit of the passport.

Mr. CARR. That was the view we took.

In line 5, section 1, I would like to suggest that after the word "passport" there be inserted the following: "or other document of identification."

Mr. MASON. So that you can continue to give those certificates to the seamen?

Mr. CARR. So that if you should adopt the suggested substitute for section 3, there would probably be times when the Secretary of State would wish to issue a certificate of identification rather than a passport, and it would be wise, I think, to give him that discretion.

Mr. ROGERS. In your substitute for section 3, you gave special treatment to departures for Panama from our possessions. Is that to take care of the case of persons in the Canal Zone who pass back and forth?

Mr. CARR. Yes. The relation between Panama and the Canal Zone is so close that it is practically impossible to require passports there.

Mr. ROGERS. Of course, as your text reads, it would allow departures for Panama, Porto Rico, and Alaska; but I suppose that is a very unlikely journey?

Mr. CARR. That is a very unlikely journey; and it seemed to be more convenient to do it that way than to make special arrangements.

Mr. MASON. I heard you read, I thought, "or for passengers going to other foreign countries by way of Canada."

Mr. CARR. Yes, sir.

Mr. MASON. Would not that encourage the travel on Canadian ships in competition with American ships?

Mr. CARR. No; it would work out in just the opposite way.

Mr. MASON. Tell me how.

Mr. CARR. What I was trying to avoid was having people take advantage of any restriction to travel to Canada, and then go on from Canada without passports to some foreign country, so that the point was to make it unlawful for any person to travel by way of Canada to a foreign country without a passport.

Mr. MASON. That is all right. I only heard it, and I transposed it exactly opposite to what it was. I could not quite understand it as I heard it.

The CHAIRMAN. Are there any further questions?

Mr. ROGERS. May I suggest that Mr. Welsh has a very valuable tabulation here showing the history of passport issuances, which I think would be interesting for the record.

The CHAIRMAN. I have a note to ask him about yet. Mr. Welsh, if you will hand the tabulation to the stenographer we will have it inserted in the record.

Have you any other suggestion, Mr. Welsh, that might throw any light upon this?

Mr. WELSH. This statement, Mr. Chairman, covers the issuance of passports since the year 1912, showing the state or growth of the work, and it shows that for the seven years from 1912 to 1918 we issued 206,172 passports.

Last year, the year 1919, we issued 97,962 passports. That was an average of a little over 8,000 for each month of 1919.

For January last we issued over 12,000 passports; 50 per cent more.

The CHAIRMAN. Is there a fee charged for the renewal of a passport?

Mr. WELSH. No, sir.

Mr. MASON. I was going to ask whether these were largely to France. Were there not a large number going to France during the last month, January?

Mr. WELSH. No; to everywhere. Quite a large number of them were going to Cuba. [Laughter.]

Mr. ACKERMAN. When a passport has expired at the termination of the period, then does it have to be gone over again de novo?

Mr. WELSH. Yes, sir.

Mr. ACKERMAN. And a new application has to be made?

Mr. WELSH. Yes; a new application with photograph is required; but the applicant does not have to submit new evidence of citizenship.

(The table last referred to by Mr. Welsh is here printed in the record as follows:)

Passports issued for the years 1912 to 1918.

1912	21,719
1913	23,453
1914	20,320
1915	23,119
1916	23,118
1917	[1] 37,615
1918	[1] 56,828
Total	206,172
Average per year	29,439

[1] Due to number of relief workers sent abroad during the war; Red Cross, Y. M. C. A., K. of C., Com. Pub., etc.

Passports issued, by months, in 1919.

January	6,555
February	6,117
March	6,357
April	5,669
May	6,492
June	7,796
July	9,930
August	10,138
September	10,426
October	10,637
November	8,569
December	9,276
Total	97,962
Average per month	8,163.5
Total passports, 7 years	205,172
Total 1 year, 1919	97,962

Clerical assistance.

Total in division on Dec. 1, 1919	134
Separations, through resignation, 12; transfer, 2; dropped, 2	16
	118
Replacements, including 2 men who expect to enter Consular Service, and 1 boy to paste photos	9
Present force	127
Absence, daily average on account of illness, etc	19
Approximate available force	108

Record of work done, including correspondence, interviews, telephone calls, passports issued, etc., showed over 16,000 matters handled week ending January 24.
Work has increased over 50 per cent and help has decreased 20 per cent.

Mr. CONNALLY. Have you any suggestion to make about the amount? I had in mind that about $5 would be a fairer and more equitable fee than $10, with reference to the foreign countries. Have you any suggestion to make as to that?

Mr. WELSH. I have given no particular thought to the amount. I think that the amount should be increased, and I have really given no particular thought as to whether it should be $5 or $10. That is a matter of policy.

Mr. CONNALLY. About what is the average fee charged in foreign countries?

Mr. WELSH. About $2; between $2 and $2.50 in our money.

The CHAIRMAN. Are there any further questions?

Mr. SABATH. Mr. Chairman, as I understand, Mr. Carr has suggested an amendment or a substitute in lieu of section 3, and also a substitute in lieu of the provision that is supposed to have taken the place of section 3 inserted in the appropriation bill. Now, that provision, if I am not mistaken, has been drafted by Mr. Lodge, who is an expert, I take it, on treaties and on any verbiage of any such provisions and any provisions of law. I do not know what position we are going to place passports in if we undertake to construe and amend anything that Mr. Lodge drafted. We might place ourselves in a very embarrassing position and in a position to be criticized.

Mr. MASON. That is right. You have an anchor of safety down at the other end of the department.

Mr. SABATH. Mr. Chairman, will you permit me to inquire as to the applications that are made on the part of naturalized American citizens who desire to bring their wives or bring their children here? I am informed that we have a large number of naturalized citizens who were naturalized lately on account of the war. It has been impossible for them to perfect their naturalization. Consequently, some of them have been here six, seven, and eight years and still have their wives in the old country, and in some instances their families; not due to the fact that they did not try to bring them here, but because they came a year or two before the war, and before they could perfect their naturalization the war was declared, and during that time they could not perfect their naturalization; and these people have their wives and children over there. Some of them are desirous to secure passports to bring their wives and children over. Others, again, have submitted affidavits showing that they have been naturalized citizens, and requested whether the department would not communicate with our consuls over there and inform then that they are naturalized citizens, and aid them in securing the coming over of their wives and their children. Is any aid or assistance given to these unfortunate citizens, who are here without their wives and without their children, without any negligence on their part?

The CHAIRMAN. They are all treated as alien enemies until the treaty of peace is ratified.

Mr. SABATH. I mean those who have perfected their naturalization?

Mr. MASON. Mr. Moore can tell you about that.

Mr. MOORE. The question comes up a dozen times a day.

Mr. SABATH. I have it in my office many times a day, and that is the reason I want information on it.

Mr. MOORE. We have hundreds of questions of naturalization; we have hundreds of people wanting to know how they can bring their wives and families from abroad, the wives and families not being in this country, but in the country to which they owe allegiance. Take the case of a man who has his wife and children in Italy. He wishes to bring them over to this country, and they apply to the Italian Government for a passport, and they then take that Italian passport to the United States consul in Italy, and that is viséd for their journey to this country. The man himself who desires to bring his wife and family here must submit to the visé office a certified copy of his naturalization certificate.

Mr. SABATH. Now, where, due to the war, he is perhaps unable to reach them by mail or otherwise, would not the department be in better position to be of some service to such citizens, to forward the copy of the certificate of his naturalization, or some statement to show that he is a citizen and that the law gives him the right to bring his family over here?

Mr. MOORE. I might answer that by saying that we have adopted the policy of asking the husband himself—to use the illustration of the case you mentioned—to communicate directly with his family rather than to ask the State Department to communicate with the consul, with the result that the consul's files would be so burdened with a mass of correspondence that he could not, obviously, attend to correspondence directed to the persons in many small villages, whom he could not reach. Wives may be dead, or they may have moved. It seemed the advisable thing that the husband should

DAMAGED PAGE(S)

communicate directly with his wife, sending to his wife the proper documents, so that she might take those documents and submit them herself to a consul, rather than using the consulate as a distributing agency for mail backward and forward.

Mr. SABATH. The point I am making is this, that frequently the husband, due to a transformation that has taken place, we will say in Poland or in Italy, and so on, is unable to reach his wife, but he can reach, through the department, our representative over there who perhaps will be in better position to ascertain the whereabouts of such wife and such children, and it would be, I think, a great service rendered to these American citizens in such cases.

Mr. BEGG. That would make our consul practically a searching party for lost persons.

Mr. MOORE. Our consul is not in a position, nor has he the facilities, for hunting out persons located in various parts of foreign countries. He would not have the facilities for so doing.

(Thereupon, the committee adjourned, subject to the call of the chairman.)

NSH # 71935

INTENTIONAL SECOND EXPOSURE

communicate directly with his wife, sending to his wife the proper documents, so that she might take those documents and submit them herself to a consul, rather than using the consulate as a distributing agency for mail backward and forward.

Mr. SABATH. The point I am making is this, that frequently the husband, due to a transformation that has taken place, we will say in Poland or in Italy, and so on, is unable to reach his wife, but he can reach, through the department, our representative over there who perhaps will be in better position to ascertain the whereabouts of such wife and such children, and it would be, I think, a great service rendered to these American citizens in such cases.

Mr. BEGG. That would make our consul practically a searching party for lost persons.

Mr. MOORE. Our consul is not in a position, nor has he the facilities, for hunting out persons located in various parts of foreign countries. He would not have the facilities for so doing.

(Thereupon, the committee adjourned, subject to the call of the chairman.)

END OF
TITLE